

(90) days, and shall be discharged at once, and shall be rendered ineligible for future employment by any State Department. And in event any citizen of this State shall file a civil complaint with any District Court in Travis County, Texas, charging any such employee with any such use of his time or state owned automobile, such court shall set such complaint for hearing on some date not more than twenty (20) or less than ten (10) days after the date of the filing of such complaint, and shall cause notice to be served on such employee for at least five (5) days prior to the date of such hearing, and if, upon such hearing, such court shall determine that such employee has used his time and/or a state owned automobile as charged in the complaint said Court shall certify such fact to the Department employing such person and order his immediate discharge. Any person against whom such charges shall have been filed shall have the right of appeal to the Court of Civil Appeals, but the pendency of such appeal shall in no wise suspend his discharge.

Sec. 12. Any surplus remaining in the Oil & Gas Enforcement Fund at the end of each fiscal year shall be transferred into and become a part of the General Revenue Fund of this State.

Sec. 13. If any section, subsection, sentence, clause, or phrase of this Act is held, for any reason, to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act, and each section, subsection, sentence and clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 14. The fact that the Forty-third Legislature, at its Regular Session inadvertently failed to appropriate the proceeds of this tax to the Enforcement of the Conservation Laws of this State, when the tax was in fact originally levied for the enforcement of such laws, and the fact that the Enforcing Departments of this State do not have sufficient employees to adequately enforce the conservation laws of this State with reference to oil and gas, creates an emergency and an imperative necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after the first day of June, A. D. 1935, and it is so enacted.

Minutes of Committee Meeting.

Minutes of Committee on Educational Affairs, Held

May 6, 1935.

Called Meeting.

Present: Duggan, DeBerry, Burns, Cotten, Hornsby, Isbell, Pace, Poage, and Small.

Absent: Hopkins, Neal, Regan, and Woodruff.

H. B. No. 833 was reported favorably by viva voce vote.

H. B. No. 27 was reported adversely by the following vote:

Yeas: Burns, Hornsby, Pace, Small, Duggan.

Nays: DeBerry, Cotten, Isbell, Poage.

JUANITA WILES, Secretary.

FIFTY-EIGHTH DAY.

(Continued.)

Senate Chamber,

Austin, Texas,

May 9, 1935.

The Senate met at 10 o'clock a.

m. pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

House Bill No. 914.

Motion to Reconsider.

Senator Moore moved to reconsider the vote by which H. B. No. 914 finally passed.

The motion prevailed by viva voce vote.

House Bill No. 736.

Pending business was H. B. No. 736.

Committee Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 were adopted by viva voce vote.

Senator Hill sent up the following amendments:

Amend Committee Amendment No. 10, page 22, line 39, by adding this Section:

"No female person shall be employed to sell, handle or dispense,

nor to assist in the selling, handling or dispensing beer in any establishment where beer is authorized to be sold for consumption on the premises.

HILL.

Read.

Motion to Table.

Senator Woodruff moved to table the amendment by Senator Hill.

The motion to table prevailed by the following vote:

Yeas—13.

Blackert.	Rawlings.
Duggan.	Regan.
Holbrook.	Sanderford.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Woodruff.
Poage.	

Nays—10.

Burns.	Isbell.
Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Shivers.
Hill.	Small.

Absent.

Beck.	Redditt.
Davis.	Van Zandt.
Hopkins.	Westerfeld.
Neal.	

Absent—Excused.

Fellbaum.

Amend Committee Amendment No. 10, words and figures, line 36, to read:

"Twenty one (21)."

HILL.

Read.

Motion to Table.

Senator Moore moved to table the amendment by Senator Hill.

The motion prevailed by the following vote:

Yeas—14.

Beck.	Neal.
Blackert.	Poage.
Duggan.	Rawlings.
Holbrook.	Sanderford.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Westerfeld.

Nays—10.

Burns.	DeBerry.
Collie.	Hill.
Cotten.	Isbell.

Pace.
Redditt.

Small.
Woodruff.

Absent.

Davis.
Hopkins.
Oneal.

Regan.
Shivers.
Van Zandt.

Absent—Excused.

Fellbaum.

Committee amendment No. 10 was adopted by viva voce vote.

Senator Hill sent up the following amendment:

Amend Committee Amendment No. 11 by words and figures in line 49 to read:

"Fifty Dollars (\$50.00)," and insert thereafter: "and shall be issued for no period less than a year."

HILL.

Read and pending.

Senator Hill withdrew his pending amendment to Committee Amendment No. 11, by unanimous consent.

Motion to Table.

Senator Hill moved to table Committee Amendment No. 11.

The motion to table prevailed by the following vote:

Yeas—16.

Burns.	Oneal.
Collie.	Poage.
Cotten.	Redditt.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hornsby.	Van Zandt.
Isbell.	Woodruff.

Nays—10.

Blackert.	Rawlings.
Davis.	Regan.
Duggan.	Stone.
Martin.	Sulak.
Moore.	Westerfeld.

Absent.

Beck.	Neal.
Hopkins.	Pace.

Absent—Excused.

Fellbaum.

Privileged Motion.

House Bill No. 257.

Senator Hornsby moved that the

Senate grant the request of the House for the appointment of a Conference Committee on H. B. No. 257.

The motion prevailed by viva voce vote.

Conference Committee Appointed.

The Chair appointed the following conferees on the part of the Senate on H. B. No. 257:

Senators Hornsby, Hopkins, Hill, Holbrook and Burns.

Senate Bill No. 52.

Motion to Reconsider.

Senator Collie moved to reconsider the vote by which S. B. No. 52 was finally passed.

The motion prevailed by viva voce vote.

Senator Collie sent up the following amendment:

Enrolled Rider.

"Article 590: Section 1. A capital case may by agreement of the parties be set for any particular day of the term with the permission of the court; or the court may at its discretion set a day for the trial or disposition of the same; and the day agreed upon by the parties, or fixed by the court, may be changed, and some other day fixed, should the court at any time deem it advisable.

"Provided that the court may at its discretion set any number of capital cases for the same day of the term, and only one venire shall be drawn for all capital cases set for the same day of the term.

"Each defendant shall be furnished a list of the venire for the day for which his case is set for trial, as already made and provided by law, and if either case set for trial shall go to trial, then it shall be in the discretion of the court whether the remaining veniremen shall be excused, or ordered back for service in the trial of the remaining case or cases to be tried that were set for trial on that day."

COLLIE.

Read and adopted.

The Senate Bill No. 52 was finally passed by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 150, Endorsing the appointment of D. B. Hardeman of Goliad, Texas, to the position of Assistant Director of the Press and Information Division of the Rural Settlement Administration.

The House has adopted the Conference Committee report on House Bill No. 85 by a vote of 110 yeas, and 0 nays.

S. C. R. No. 34, Granting permission to Mrs. Alma Besch to sue the State Highway Department for injuries and death to her husband, William Besch.

H. C. R. No. 161, Permitting Enrolling Clerk of the House to make a certain correction on H. B. No. 959.

H. C. R. No. 163, Permitting Enrolling Clerk of the House to make a certain correction on H. B. No. 963.

H. C. R. No. 138, Suspending Joint Rules Nos. 23, 24 and 32 for the consideration until final disposition of H. B. No. 746.

H. C. R. No. 144, Suspending Joint

Rules Nos. 23, 24 and 32 for the consideration until final disposition of H. B. No. 997.

H. C. R. No. 145, Suspending Joint Rules Nos. 23, 24 and 32 for the consideration until final disposition of H. B. No. 400.

H. C. R. No. 146, Suspending Joint Rules Nos. 23, 24 and 32 for the consideration until final disposition of H. B. No. 234.

H. C. R. No. 149, Suspending Joint Rules Nos. 23, 24 and 32 for the consideration until final disposition of H. B. No. 485.

H. C. R. No. 153, Suspending Joint Rules Nos. 23, 24 and 32 for the consideration until final disposition of H. B. No. 1003.

H. C. R. No. 157, Suspending Joint Rules Nos. 22, 23 and 32 for the consideration until final disposition of H. B. No. 816.

H. C. R. No. 158, Suspending Joint Rules Nos. 23, 24 and 32 for the consideration until final disposition of H. B. No. 8.

H. C. R. No. 160, Suspending Joint Rules Nos. 22, 23 and 24 for the consideration until final disposition of House Bills Nos. 171, 179, and 994.

S. B. No. 528, A bill to be entitled "An Act providing for an additional Assistant District Attorney for the Fifty-third Judicial District of Texas, prescribing his qualifications who shall be authorized to perform any official act devolving upon or authorized to be performed by the District Attorney of such district, requiring him to take the oath of office, and who shall hold office subject to the will of the District Attorney, making an appropriation for his salary for the ensuing biennium, and declaring an emergency."

The House has adopted the Conference Committee report on House Bill No. 755 by a vote of 124 yeas, and 1 nay.

The House has adopted the Conference Committee report on S. B. No. 388 by a vote of 116 yeas and 1 nay.

The House has concurred in Senate amendments to House Bill No. 427 by a vote of 114 yeas and 0 nays.

S. B. No. 319, A bill to be entitled "An Act granting to Dr. N. T. Anders and wife, Mrs. Hattie Anders, of Beaumont, Jefferson County,

Texas, the permission to bring suit against the State of Texas and the State Highway Department and to join the State of Texas and the State Highway Department as co-defendants with Jefferson County, Texas, in the District Court of Jefferson County, Texas, in trespass to try title to a portion of the T. Spear League in Jefferson County, Texas, and to recover damages to the remainder of the plaintiff's land in said T. Spear League resulting from the construction of an embankment on and adjacent to the plaintiffs' land by the State Highway Department and Jefferson County, Texas; providing that such suit may be filed within two years after this Act takes effect; providing for the method of serving process and for procedure governing the trial and determination of such suit, and declaring an emergency."

S. B. No. 532, A bill to be entitled "An Act creating the Palo Duro Canyon State Park Board; providing for the number of members of said Board, terms of office, the manner of appointment and the duties and responsibilities of the members; transferring all property heretofore acquired for the Palo Duro Canyon State Park and the Palisades State Park to said Park Board, and prescribing the powers, duties and responsibilities of said Board; authorizing the appointment of a Treasurer for said Board and requiring a bond and prescribing the duties of the treasurer; conferring upon said Board the power of eminent domain, and declaring an emergency."

H. C. R. No. 162, Declaring H. B. No. 11 to become effective immediately.

S. B. No. 429, A bill to be entitled "An Act granting permission to Mrs. Dora Martin, individually and as next friend of Hazel Martin, Eunice Martin, Buster Martin and Jack Martin, minors, and Ottis Martin, surviving wife and children of A. J. Martin, deceased, to bring suit against the State of Texas and/or the Highway Department of the State of Texas, in any court of competent jurisdiction, for damages for personal injuries received by the said A. J. Martin while on duty in the employ of the Highway Department of the State of Texas, which injuries resulted in the death of the said

A. J. Martin; providing that any judgment so recovered be paid out of the funds of the Highway Department of the State of Texas; providing if any provisions of this Act shall be invalid, the validity of the other provisions thereof shall not be affected; and declaring an emergency."

The House has concurred in Senate Amendments to House Bill No. 635 by a vote of 118 yeas, and 0 nays.

The House has concurred in Senate amendments to House Bill No. 188 by a viva voce vote.

The House has adopted the Conference Committee report on House Bill No. 779 by a vote of 123 yeas, and 0 nays.

The House has passed the following resolutions:

S. C. R. No. 47, Granting permission to Em. Wilson and wife, Anna Maude Wilson to sue the State of Texas.

S. C. R. No. 64, Suspending Joint Rules Nos. 22, 23, 24 and 32 for the purpose of taking up for consideration until finally disposed of S. B. No. 533 and H. B. 1001.

The House has refused to concur in Senate Amendments to House Bill No. 455, and requests the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Cooper, Frazer, Latham, Steward, Walker.

The House has concurred in Senate amendments to House Bill No. 442 by viva voce vote.

S. B. No. 52, A bill to be entitled "An Act amending Article 590 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

(With amendments.)

S. B. No. 181, A bill to be entitled "An Act to increase the powers and duties of the State Board of Embalming so as to prescribe and maintain a standard of proficiency as to the qualifications of those engaged, and who may engage, in the practice of funeral directing in connection with the care and disposition of dead human bodies by providing that said State Board of Em-

balming shall adopt rules, regulations and by-laws for the examination and licensing of funeral directors and the practice of funeral direction; and for the renewal and revocation by said State Board of Embalming of said licenses; and providing for fees and the disposition thereof and defining a funeral director; repealing all laws in conflict and prescribing a penalty, containing a savings clause, and declaring an emergency."

(With amendments.)

S. B. No. 355, A bill to be entitled "An Act creating a conservation and reclamation district to be known as the Central Colorado River Authority, pursuant to and for the purpose set forth in Section 59 of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges and functions conferred by general law upon districts created pursuant to said Section 59, except as expressly limited; conferring certain other powers thereon, including power of control, storage, preservation, use, distribution and sale of the waters of the Colorado River and its tributaries; to develop, generate, distribute and sell water power and electric energy; to acquire property by condemnation or otherwise; declaring an emergency."

The House has refused to concur in Senate Amendments to H. J. R. No. 5 and requests the Senate for the appointment of a Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House with instructions to retain the provision that no sales tax shall ever be levied against the people in lieu of the tax lost by the adoption of the resolution and to oppose the inclusion of any provisions for over-all tax limitations in any form:

Reed of Bowie, Alsup, Wood of Montague, Hankamer, and Great-house.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. C. R. No. 150.

Senator Poage received unanimous consent to suspend the regular order of business and take up H. C. R. No. 150.

The Chair laid before the Senate:

H. C. R. No. 150, "Endorsing the appointment of D. B. Hardeman of Goliad, Texas, to the position of Assistant Director of the Press and Information Division of the Rural Settlement Administration."

Senator Poage asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 150 be taken up and considered at this time.

Unanimous consent was granted.
Adopted by viva voce vote.

H. C. R. No. 136.

Senator Shivers received unanimous consent to suspend the regular order of business and take up H. C. R. No. 136.

The Chair laid before the Senate:

H. C. R. No. 136, Suspending Joint Rules 23, 24 and 32 so as to take up H. B. No. 836.

Senator Shivers asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended and that H. C. R. No. 136 be taken up and considered at this time.

Unanimous consent was granted.
H. C. R. No. 136 was adopted.

Senate Bill No. 227.

Senator Davis moved that the Senate do concur in House amendments to S. B. No. 227.

The motion prevailed by the following vote:

Yeas—30.

Beck.	DeBerry.
Blackert.	Duggan.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Hopkins.
Davis.	Hornsby.

Isbell.
Martin.
Moore.
Neal.
Oneal.
Pace.
Poage.
Rawlings.
Redditt.

Regan.
Sanderford.
Shivers.
Small.
Stone.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Absent—Excused.

Fellbaum.

House Bill No. 755.

Senator Beck sent up the following conference committee report on H. B. No. 755:

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred H. B. No. 755, have had the same under consideration, and we recommend to the House of Representatives and to the Senate that said bill pass in the form attached hereto.

Respectfully submitted,

LUKER,
JAMES,
HANKAMER,
WELLS,
KNETSCH,

On the part of the House.

BECK,
POAGE,
REDDITT,
DUGGAN,
WOODRUFF,

On the part of the Senate.

C. S., H. B. No. 755.

A BILL

To Be Entitled

An Act defining certain words, terms, phrases; imposing a tax on all cigarettes used or otherwise disposed of in Texas according to weight with certain exception; providing payment of tax shall be evidenced by stamps affixed to each individual package, said stamps to be purchased from Treasurer only except through requisition by Comptroller; providing stamps shall be sold in unbroken sheets of one hundred (100) stamps only with exception; providing stamps may be pur-

chased and affixed to packages of cigarettes by manufacturer thereof outside the State exempting same from further taxation; providing that tax imposed shall be in lieu of any other occupation or excise tax by State or political subdivision thereof on cigarettes; authorizing Comptroller to recall stamps previously sold and requiring Treasurer to issue new stamps of other serial numbers therefor; creating a "Cigarette Tax Stamp Board" and requiring Board to design and have printed or manufactured new stamps; authorizing the Board to assign a separate serial number to be printed on the margin of each sheet of stamps, or other method of identification; provided printing shall be let on competitive bid; requiring distributor to affix stamp of proper denomination on each individual package of cigarettes before selling, consuming or transporting; authorizing Treasurer to sell stamps to licensed distributors at two and one-half per cent ($2\frac{1}{2}\%$) discount; providing for distribution of moneys collected hereunder; authorizing Board to change design of stamps; requiring Treasurer to redeem unused stamps upon change of design with limitation of use of old stamps after change in design and fixing penalty for possession; requiring Treasurer to keep records of stamps sold, exchanged or accepted for refund; requiring orders for stamps be sent to Treasurer and prescribing duties of Treasurer in relation thereto; requiring purchaser of stamp shall keep invoice furnished by Treasurer and requisitions furnished by Comptroller for two (2) years subject to inspection by Comptroller and Attorney General; prohibiting cancellation or mutilation of stamps; authorizing Treasurer to exchange stamps and to make refunds on unused stamps in unbroken sheets of one hundred (100) stamps with restrictions; delegating authority over stamps on hand to Board and placing responsibility for burning stamps under Board; requiring distributors, wholesale dealers and retail dealers to apply for and secure permits before selling or distributing cigarettes, fixing the fees for

such permits and requiring Comptroller to issue same; providing manner of making applications and information to be contained therein and fixing expiration of permits; exempting certain distributors from requirement to obtain permit and authorizing sale of stamps in lesser quantities than one hundred stamps to distributors exempted; requiring permit shall be obtained and publicly displayed for each place of business; providing permits shall be non-assignable and revokable under certain conditions and prohibiting sale of cigarettes after same is revoked or suspended; requiring distributors and wholesale dealers holding unexpired dealer's permit under old law, to apply for and obtain within a limited time, permit as distributor or wholesale dealer under the provisions of this Act and allowing credit at fixed rate per day for unexpired term of old permits and authorizing Comptroller to allow such credit upon purchase of new permits; providing one permit may serve both distributor and wholesale dealer but requiring additional permit if cigarettes sold at retail; permitting retail dealers to operate under old permits until normal expiration thereof; providing for collection of delinquent permits from distributors or wholesale dealers at fixed rate per day to effective date of this Act; requiring certain information on applications for permits to sell cigarettes from vending machines, trains, automobiles, or other vehicles and requiring permanent place for keeping records for such machines or vehicles; requiring distributors to affix proper stamps on unstamped cigarettes within forty-eight (48) hours after receipt thereof; permitting distributors or other persons to post surety bond and set aside unstamped cigarettes for purpose of conducting interstate business and requiring cigarettes so set aside be kept separate from other stock; authorizing Comptroller to fix amount of bond with certain minimum limitations and giving discretionary authority to require new or additional bond; limiting quantity of interstate stock to amount specified in bond; requiring bonds shall be payable to

State of Texas and conditioned upon complete compliance with provisions of this Act; providing time limit for supplying new or additional bond after demand by Comptroller and authorizing Comptroller to cancel such bond under certain conditions; requiring distributor or other person to stamp certain cigarettes within specified time after cancellation of any bond; providing every distributor, wholesale dealer and retail dealer shall keep at each place of business, with certain exceptions, for a specified period of time for the inspection of the Comptroller and Attorney General a complete and detailed record including a book record of all cigarettes purchased or received by said distributor, wholesale dealer or retail dealer, specifying the kind of records to be kept and describing information to be kept in bound book record; providing for the keeping of inventories on the first of each month showing the number and kind of cigarettes on hand; providing every distributor and wholesale dealer shall keep at each place of business except as otherwise provided, for a specified period of time for the inspection of the Comptroller and Attorney General a complete record of every sale, distribution or use of cigarettes on an invoice to be issued in duplicate, except in certain instances when triplicates are required; providing the manner of execution of such invoice and the information contained thereon; requiring said invoices to be supported by certain other records furnished by the carrier and the seller of such cigarettes; requiring that the original of said invoice be delivered to the purchaser and the duplicate be kept by the said distributor or wholesale dealer; requiring an explanation on invoice of cigarettes distributed or exchanged where no sale is involved; requiring distributors and wholesale dealers to issue invoices to their retail departments for cigarettes to be sold at retail by them and requiring retail stocks shall be kept separate from other stocks, requiring such distributors and wholesale dealers to keep a bound book record of each sale, distribution or use of cigarettes for a specified time; requiring any distribu-

tor or other person engaged in interstate business wholly or in part to keep such records and make such reports to the Comptroller as a distributor is required to keep and make; requiring every distributor to keep at each place of business, with exceptions, complete record of stamps purchased or received and sold, exchanged, used or disposed of in any other manner, such records to include inventories on the first of each month and to reflect the number and denomination of stamps separately; providing that every person, with certain exceptions, shall before receiving unstamped cigarettes purchase sufficient stamps to cover and providing possession of unstamped cigarettes without possession of sufficient stamps shall be prima facie evidence that said possession is for purpose of selling without stamps; providing taxes, penalties and cost of auditing shall become a preferred lien first and prior to existing liens upon the property of distributors and detailing the kind of property affected thereby; authorizing audits of distributors by the Comptroller and requiring the distributors to pay the costs thereof under certain conditions; appropriating funds received from audits and authorizing the use of such funds; requiring distributors to make monthly reports and prescribing the information to be shown therein; providing for suits to recover tax and penalties due and providing reports made by distributors, or audits made by the Comptroller, or certified copies thereof, shall, when properly authenticated be admissible as evidence in such proceedings and shall be prima facie evidence of the contents thereof; providing any incorrectness of such report or audit may be shown; providing that the provisions of Article 3736, Revised Civil Statutes of Texas, 1925, as amended by Chapter 239, Acts of the Regular Session of the Forty-third Legislature, shall apply to suits filed under the provisions of this Act and when any report or audit of a distributor, together with an affidavit from the Comptroller showing taxes unpaid after all credits are allowed, is attached to the petition of the Attorney General, unless the party

resisting same files an answer as provided by such article, said audit or report shall be taken as prima facie evidence thereof; fixing venue for civil proceedings or injunctions; providing no other occupation tax shall be collected from any person operating a cigarette vending machine except as herein imposed; authorizing the Comptroller to forfeit or suspend permits for violations of the provisions of this Act or any rule and regulation promulgated hereunder by giving notice with reason for such forfeiture or suspension; specifying where notice shall be mailed and when forfeiture or suspension shall be effective and limiting such forfeiture or suspension; prohibiting sale of cigarettes after permit is forfeited or suspended; providing for allocation of funds received from permits; providing distributing agent shall obtain permit to operate as such within specified time after effective date of this Act and fixing the fee for such permit; providing for application for said permit and for information to be required therein; providing for expiration date of such permit and prohibiting distributing agents from engaging in business as such until application has been filed, fee paid and permit obtained; limiting permit to one place of business and providing it shall be non-assignable; providing distributing agents shall keep certain records for specified time subject at all times to inspection of the Comptroller or Attorney General and prescribing kind of records to be kept; requiring distributing agents to make daily reports on a form to Comptroller excepting Sundays and holidays and prescribing kind of reports to be made and all information to be reported; provided if certain invoices or bills of lading contain all information required in such reports, copies of such invoices or bills of lading may be sent to the Comptroller daily in lieu of report on form; providing and imposing certain penalties against and upon person failing to comply with the terms of this Act, or the rules and regulations promulgated hereunder; providing for recovery of the penalty or forfeitures imposed hereunder by suits in the proper

court of Travis County, Texas; providing information obtained by Comptroller or Attorney General from reports furnished or records kept shall be confidential and not open for inspection and providing penalties for divulging such information with certain exceptions; authorizing Comptroller to enter upon and inspect premises and records of any person dealing in cigarettes, making it unlawful for any person required to keep records to fail to produce such records on demand of Comptroller or for any person to hinder or prevent Comptroller from making such inspection of records or premises; providing for examination of banks or records of common carriers transporting cigarettes; making it unlawful with certain exceptions for any person to possess cigarettes not properly stamped, as provided herein, absence of such stamps being prima facie evidence of nonpayment of such tax; making it unlawful with exceptions for any person to transport unstamped cigarettes, or to fail to stop upon demand of Comptroller any vehicle transporting cigarettes, or to use, sell, offer for sale or possess for the purpose of use or sale, any previously used stamps, or to attach same to any individual package of cigarettes, or to use any artful device or deceptive practice to conceal any violation of this Act, or to mislead the Comptroller in the enforcement of this Act, or to give as a prize any unstamped cigarettes or to purchase stamps from or sell stamps to any person other than Treasurer with exceptions, or to sell or distribute cigarettes in this State, whether first sale or otherwise, without stamps being affixed to each individual package, or to knowingly use, consume or smoke cigarettes upon which a tax is required to be paid without said tax having been paid; providing for seizure and forfeiture of unstamped cigarettes possessed with intent to avoid payment of taxes, or other violations of the provisions of this Act; providing for seizure and forfeiture of any automobile, truck, boat or other vehicle used to transport such cigarettes and all equipment, paraphernalia or other tangible personal property used for or inci-

dent to such violations; prescribing court proceedings to be followed and providing seized property shall be irrepleviable; requiring written report and appraisal by Comptroller of such seizure and prescribing information to be contained therein; prescribing procedure if the defendant is unknown or is a non-resident and authorizing appointment of an attorney by the court with certain fees as prescribed by statute; providing manner of sale of seized property after final judgment and allocating funds received from such sales; providing additional fees to district and county attorneys payable from proceeds of such sale; authorizing summary proceedings for sale of seized property under certain value and providing manner of such sale; providing manner in which any claimant may by posting bond have forfeiture proceedings instituted and tried in court as provided by law and providing manner in which seized property shall be sold by the Comptroller if no claim is interposed; providing seizure, forfeiture and sale of property shall not be exemption from criminal prosecution or penalties due; authorizing Comptroller to waive proceeding for forfeiture and compromise with claimant, and providing penalties on compromise settlement; providing when records reveal cigarette sales and seller is unable to show stamp purchases to cover, it shall be prima facie evidence that such sales were made without stamps and fixing penalty; providing manner of allocating funds collected under compromise proceedings; fixing duties of Comptroller to collect taxes and enforce provisions of this Act; authorizing Comptroller and Treasurer to promulgate rules and regulations; making it a misdemeanor and prescribing penalties for any person to make a first sale, or to sell, offer for sale or present as a prize or gift or to consume or smoke cigarettes without stamps affixed, or to sell cigarettes in less than individual packages or to possess, in violation of this Act, cigarettes in quantities of less than ten thousand (10,000), or to knowingly cancel or mutilate stamps affixed to packages of cigarettes, or to

use any artful device or deceptive practice to conceal violations, or mislead the Comptroller in the enforcement of this Act, or to refuse to surrender, upon demand by Comptroller, any cigarettes possessed in violation of this Act, or to make a first sale of or sell cigarettes as a distributor, wholesale dealer or retail dealer without having the proper permit or without having such permit properly displayed, for a distributor or wholesale dealer to fail to deliver an invoice to any purchaser of cigarettes, or to store or distribute unstamped cigarettes as a distributing agent without the permit prescribed therefor; making it a felony and prescribing penalties for any person to knowingly transport unstamped cigarettes in quantities of more than forty (40) cigarettes, or to wilfully refuse to stop any vehicle transporting cigarettes upon demand of any person authorized to stop said vehicle, or to refuse any authorized person permission to inspect any cargo of cigarettes being transported, or any premises where cigarettes are manufactured, produced, made, stored, sold or offered for sale or exchange, or to use, sell, offer for sale or possess for the purpose of sale, any previously used stamp or to attach same to an individual package of cigarettes, or consent to the use of same, or to purchase stamps from or sell stamps to any person other than the Treasurer without a requisition from the Comptroller, or to possess, in violation of any provision of this Act, cigarettes in quantities of ten thousand (10,000) or more, or for a distributor or distributing agent, or the agent, employee or representative thereof, to make and file with the Comptroller a false or incomplete return or report, or for such persons to fail to make a return or report as required herein to be made, or for a distributor, wholesale dealer, retail dealer, distributing agent, or the agent, employee or representative thereof, to destroy, mutilate or secrete any books and records required herein to be kept, or refuse to permit the Comptroller or Attorney General to inspect, examine or audit such books and records or any other records that may be kept incident

to the conduct of such cigarette business, or to knowingly make a false entry or fail to make entries in the books and records required to be kept by a distributor, wholesale dealer, retail dealer or distributing agent, or to fail to keep for a period of two (2) years in Texas any books and records required herein to be kept by such persons; fixing venue for prosecutions; providing if penalties prescribed in Section 25 and Section 26 overlap that Section 26 shall prevail and control; making it a felony and prescribing penalty for any person to print, engrave, make, issue, sell or circulate, or possess or have in his possession with intent to use, sell, circulate or pass, any counterfeit stamp, or to use, or consent to the use of, any counterfeit stamp in connection with the selling or offering for sale, of any cigarettes, or to place, or cause to be placed, on any individual package of cigarettes, any counterfeit stamp; providing venue for such violations of this Act shall be in Travis County, Texas; providing for and appropriating funds for administration and enforcement purposes; repealing House Bill 578, Chapter 153, Acts of the Regular Session, Forty-third Legislature, as amended and re-enacted by House Bill 20, Chapter 90, Acts of the First Called Session, Forty-third Legislature, and as further amended by House Bill 31, Chapter 6, Acts of the Second Called Session of the Forty-third Legislature, and repealing House Bill 67, Chapter 52, Acts of the Second Called Session of the Forty-third Legislature, and all other laws or parts of laws in conflict herewith; providing that all taxes, penalties and interest due and existing, or hereafter becoming due and/or delinquent under prior or existing cigarette tax laws are expressly preserved and declared to be legal and valid obligations due the State; providing that offenses committed, or prosecutions begun, are to be conducted under pre-existing laws, and providing that if any article, section, sub-section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act, and that the

same shall be and remain in full force and effect; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The following words, terms and phrases, as used in this Act are hereby defined as follows:

(a) "Cigarette" shall mean and include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. Provided the definition herein shall not be construed to include cigars.

(b) "Individual Package of Cigarettes" shall mean and include the smallest package of cigarettes ordinarily sold at retail, and shall include any and every package of cigarettes upon which a federal stamp or token is required, evidencing the payment of federal tax.

(c) "Person" shall mean and include every individual, firm, association, joint stock company, syndicate, co-partnership, corporation, trustee, agency or receiver.

(d) "Place of Business" is construed to mean and include any place where cigarettes are sold or where cigarettes are stored or kept for the purpose of sale or consumption; or if sold from any vehicle, train or cigarette vending machine, the vehicle, train, or cigarette vending machine on which or from which such cigarettes are sold shall constitute a place of business.

(e) "Stamp" shall mean the stamp or stamps printed, manufactured or made by authority of the Board as hereinafter defined, and issued, sold or circulated by the Treasurer and by the use of which the tax levied hereunder is paid.

(f) "Counterfeit Stamp" shall mean any stamp, label, print, tag or token which evidences, or purports to evidence, the payment of any tax levied by this Act, and which stamp, label, print, tag or token has not been printed, manufactured or made by authority of the Board as hereinafter defined, and/or issued, sold or circulated by the Treasurer.

(g) "Previously Used Stamp" shall mean and include any stamp which is used, sold, or possessed for

the purpose of sale or use, to evidence the payment of the tax herein imposed on an individual package of cigarettes after said stamp has, anterior to such use, sale or possession, been used on a previous or separate individual package of cigarettes to evidence the payment of tax as aforesaid.

(h) "First Sale" shall mean and include the first sale or distribution of cigarettes in intrastate commerce, or the first use or consumption of cigarettes within this State.

(i) "Drop-shipment" shall mean and include any delivery of cigarettes received by any person within this State when payment for such cigarettes is made to the shipper or seller by or through a person other than the consignee.

(j) "Comptroller" shall mean the Comptroller of Public Accounts of the State of Texas or his duly authorized assistants and employees.

(k) "Treasurer" shall mean the State Treasurer of Texas or his duly authorized assistants and employees.

(l) "Attorney General" shall mean the Attorney General of the State of Texas or his duly authorized assistants and employees.

(m) "Distributor" shall mean and include every person in this State who manufactures or produces cigarettes or who ships, transports or imports into this State or in any manner acquires or possesses cigarettes and makes a first sale of the same in this State.

(n) "Wholesale Dealer" shall mean and include every "person" other than a distributor or a salesman in the employ of a manufacturer and handling only the products of his employer who engages in the business of selling or distributing cigarettes in this State for the purpose of resale.

(o) "Retail Dealer" shall mean and include every person other than a distributor or wholesale dealer who shall sell, distribute, or offer for sale or distribution or possess for the purpose of sale or distribution, cigarettes irrespective of quantity or amount or the number of sales or distributions; and it shall also mean and include every person other than a distributor or wholesale dealer who distributes or disposes of cigarettes in unbroken individual packages or in quantities of ten (10) or more as

gifts or prizes or in any other manner of distribution or disposal where no sale is involved.

(p) "Distributing Agent" shall mean and include every person in this State who acts as an agent of any person outside the State by receiving cigarettes in interstate commerce and storing such cigarettes subject to distribution or delivery upon order from said person outside the State to distributors, wholesale dealers and retail dealers.

Sec. 2. A tax of One Dollar and Fifty Cents (\$1.50) per thousand on cigarettes weighing not more than three (3) pounds per thousand and Three Dollars and Sixty Cents (\$3.60) per thousand on those weighing more than three (3) pounds per thousand is hereby imposed on all cigarettes used or otherwise disposed of in this State for any purpose whatsoever. The said tax shall be paid only once by the person making the "first sale" in this State and shall become due and payable as soon as such cigarettes are subject to a first sale in Texas, it being intended to impose the tax as soon as such cigarettes are received by any person in Texas for the purpose of making a "first sale" of same. No person, however, shall be required to pay a tax on cigarettes brought into this State on or about his person in quantities of forty (40) cigarettes or less when such cigarettes have had the individual packages or the seals thereof broken and when such cigarettes are actually used by said person and not sold or offered for sale. Payment of such tax shall be evidenced by stamps purchased from the Treasurer and securely affixed to each individual package of cigarettes covering the tax thereon as imposed by this Act; provided that such stamps may be purchased and affixed to such individual package of cigarettes by a manufacturer of cigarettes outside this State, in which case no further payment of tax shall be required.

Provided, that the tax imposed shall be in lieu of any other occupation or excise tax imposed by the State or any political subdivision thereof, on cigarettes.

Cigarette stamps shall be sold by the Treasurer in unbroken sheets of one hundred (100) stamps only and shall be purchased from and sold

only by said Treasurer, except as hereinafter provided. When the Comptroller deems it proper to accept the compromise provided for in Section 22, and the offender does not possess sufficient unused stamps to cover his unstamped stock of cigarettes, then and in that event the offender may purchase the required stamps from any distributor through a requisition from the Comptroller in order that his unstamped stock of cigarettes may be stamped immediately and under the direction of the Comptroller and the Comptroller shall have the authority to issue such requisition which shall be made in triplicate on a form prescribed by the Comptroller with the printed words "Original," "Duplicate," and "Triplicate," on the respective sheets thereof. The original requisition shall be kept by the Comptroller and the duplicate and triplicate shall be delivered to the purchaser and seller of said stamps, respectively, who shall hold such copies of requisition at all times open to the inspection of the Comptroller and the Attorney General for a period of two (2) years. The Comptroller shall have the power and authority in the enforcement of this Act to recall any stamps which have been sold by said Treasurer and which have not been used and it shall be the duty of said Treasurer upon receipt of such recalled stamps to issue stamps of other serial numbers therefor. The purchaser of any stamps shall be required to surrender any unused stamps for exchange upon demand of said Comptroller.

Sec. 3. A "Cigarette Tax Stamp Board" composed of the Board of Control of this State, designated hereafter as the "Board," is hereby created and the said Board shall be and is hereby required to design and have printed or manufactured new cigarette tax stamps of such size and denominations and in such quantities as may be determined by the said Board. The stamps shall be so manufactured as to render them easy to be securely attached to each individual package of cigarettes; provided that a different and separate serial number or combination letter and number may be assigned to and printed on the margin of each sheet of stamps, or other methods of identification be adopted as the Board

may decide. The printing or manufacturing of the stamps shall be awarded by competitive bid and the contract shall be awarded to the person submitting the lowest and best bid that will afford the greatest and best protection to the State in the enforcement of the provisions of this Act.

The Board acting through the Treasurer shall, upon receipt of the stamps hereinabove authorized to be printed or manufactured, designate the date of issue of the new design of stamps by issuing a proclamation as hereinafter provided. Provided that the stamps shall be affixed by the distributor on each individual package of cigarettes that will be handled, sold, distributed, or used; that said stamps shall be supplied by said Treasurer to all distributors holding a permit in the State at a discount of two and one-half per cent ($2\frac{1}{2}\%$) from the face value; that every distributor shall cause to be affixed to every individual package of cigarettes on which a tax is due, stamps of an amount equalling the tax due thereon, before any such distributor sells, offers for sale, or consumes, or otherwise distributes or transports the same.

From the effective date of this Act and until September 1, 1935, all the net revenue derived from this Act, except as hereinafter provided in this Act, shall be credited to the Available School Fund of the State of Texas, but after September 1, 1935, except as hereinafter provided in this Act, two-thirds of the net revenue derived from this Act shall be credited to the Available School Fund of the State of Texas and one-third of the net revenue derived from this Act shall be credited to the General Fund of the State of Texas.

The Board is hereby authorized to change the design of the stamps as often as it may deem such change necessary to the best enforcement of the provisions of this Act, and the Treasurer is hereby required to redeem at face value any unused cigarette tax stamps lawfully issued, prior to such change in the design, which are in the possession of any bona fide owner, by exchanging at face value cigarette tax stamps of the new design. Provided that whenever a change is made in the design

of the stamps every person holding stamps of the old design shall be required to send them to the Treasurer for exchange at face value for stamps of the new design. Such exchange shall be made within sixty (60) days after the date of issue of the new design of stamps and it shall be unlawful for any person to have in his possession any stamps of an old design after sixty (60) days from the date of issue of any new design; provided it shall be unlawful for any person to sell, offer for sale, or possess for the purpose of sale, cigarettes to which stamps of the old design are affixed after sixty (60) days from the date of issue of a new design; provided, further, that after sixty (60) days from the date of issue of any new design of stamps the old design shall be void and cigarettes with stamps of the old design affixed to the individual package shall, for the purpose of the enforcement of the provisions of this Act, be considered as cigarettes without stamps affixed thereto. It shall be the duty of the Treasurer upon receipt of any new design of stamps authorized to be printed by the Board to designate the date of issue of such new design by the issuance of a proclamation and the date of such proclamation shall be the date of issue of the new design of stamps.

Any person who shall have in his possession any cigarette tax stamps of an old design after sixty (60) days from the date of issue of a new design of stamps shall be guilty of a felony and shall be punished as set out in Section 26 of this Act.

Provided that any cigarette tax stamps may be exchanged only when proof satisfactory to said Treasurer is furnished that any stamps offered to said Treasurer in exchange were properly purchased and paid for by the person offering to exchange such stamps; provided further, that stamps which are effaced or mutilated in any manner may be refused for acceptance in exchange by said Treasurer.

The Treasurer shall keep a record of all stamps sold by him or under his direction, of all stamps exchanged by him and of all refunds made on stamps purchased.

Orders for cigarette tax stamps shall be sent direct to the Treasurer and it shall be the duty of the Treas-

urer to invoice the stamps ordered to the purchaser upon a form invoice to be prescribed by the Treasurer, which invoice shall be issued in triplicate and numbered consecutively. The invoice shall show the date of sale, the name and address of purchaser, the number of stamps and their serial numbers, the denomination and value of stamps so purchased. The invoice shall be signed by the Treasurer and the original sent with stamps to the purchaser; the duplicate of the invoice shall be sent to the Comptroller and the triplicate kept by the Treasurer; provided further, that the purchaser of said stamps shall hold the said invoice for a period of two (2) years for inspection at all times by the Comptroller and the Attorney General. No stamp affixed to a package of cigarettes shall be cancelled by any letter, numeral or any other mark of identification or otherwise mutilated in any manner that will prevent or hinder the Comptroller in making an examination as to the genuineness of said stamp.

Stamps in unbroken sheets of one hundred (100) stamps may be exchanged, with the Treasurer only, for stamps of a different denomination. Provided further, that the Treasurer shall be authorized to make refunds on unused stamps in unbroken sheets of not less than one hundred (100) stamps each to the person who purchased said stamps only when proof satisfactory to said Treasurer is furnished that any stamps upon which a refund is requested were properly purchased from said Treasurer and paid for by the person requesting such refund. Such refund shall be made from revenue derived from this Act before such revenue is allocated as herein provided.

Sec. 3-A. The "Cigarette Tax Stamp Board" shall have full power and authority over the cigarette stamps now on hand and the responsibility for burning said stamps is placed upon said Board.

Sec. 4. Every distributor, wholesale dealer and retail dealer in this State now engaged or who desires to become engaged, in the sale or use of cigarettes upon which a tax is required to be paid, shall, within thirty (30) days from the date this law becomes effective, file with the

Comptroller an application for a cigarette permit as a distributor, wholesale dealer or retail dealer, as the case may be, said application to be accompanied by a fee of Twenty-five Dollars (\$25) if for a distributor's permit or a fee of Fifteen Dollars (\$15) if for a wholesale dealer's permit or a fee of Five Dollars (\$5) if for a retail dealer's permit. Said applications shall be on forms prescribed by the Comptroller, to be furnished upon written request, the failure to furnish which shall be no excuse for the failure to file the same unless an absolute refusal is shown. Said forms shall set forth (a) the manner under which such distributor, wholesale dealer or retail dealer transacts or intends to transact such business as distributor, wholesale dealer or retail dealer, (b) the principal office, residence and place of business in Texas for which the permit is to apply, (c) and if other than an individual the principal officers or members thereof not to exceed three (3), and their addresses. The Comptroller may require any other information as he may desire in said applications. No distributor, wholesale dealer or retail dealer shall sell any cigarettes until such application has been filed and the fee prescribed paid for a permit and until such permit is obtained. Said permits shall expire twelve (12) months from the date the distributor, wholesale dealer or retail dealer first sells cigarettes or engages in the business of selling cigarettes or from the expiration date of the permit previously issued to said distributor, wholesale dealer or retail dealer, but may be renewed upon like application and upon payment of another fee in the amount prescribed for the kind of permit desired. An application shall be filed and a permit obtained for each place of business owned or operated by a distributor, wholesale dealer or retail dealer. Provided, however, that any distributor manufacturing, importing, or acquiring in any other manner, cigarettes for his own personal use or consumption and not to be disposed of by sale, gift, or otherwise shall not be required to obtain a distributor's permit but shall be required to comply with all other provisions of this Act affecting a distributor; provided, further, that

the Treasurer shall be authorized to sell stamps to such distributors acquiring cigarettes for their own personal use or consumption and not for sale or other disposal, in lesser quantities than unbroken sheets of One Hundred (100) stamps.

Upon receipt of the application and fee herein provided for, the Comptroller shall issue to every distributor, wholesale dealer or retail dealer for the place of business designated, a non-assignable consecutively numbered permit, designating the kind of permit and authorizing the sale of cigarettes in this State. Said permit shall provide that the same is revokable and shall be forfeited or suspended upon any violation of any provision of this Act or any reasonable rule or regulation adopted by the Comptroller. If such permit is revoked or suspended said distributor, wholesale dealer or retail dealer shall not sell any cigarettes from such place of business until a new permit is granted or the suspension of the old permit removed.

The permit shall at all times be publicly displayed by the distributor, wholesale dealer or retail dealer at his place of business so as to be easily seen by the public and the persons authorized to inspect the same. Provided, that any distributor or wholesale dealer who is the legal owner and holder of any unexpired dealer's permit and is operating as a dealer thereunder, when such dealer's permit was lawfully issued by the proper authority, as provided by House Bill No. 20, Chapter 90, Acts of the First Called Session of the Forty-third Legislature, shall, within thirty (30) days from the date this law becomes effective, make application to and obtain from the Comptroller a permit as distributor or wholesale dealer, as the case may be, in the manner hereinbefore provided and all dealer's permits, under which distributors or wholesale dealers may be operating, are hereby declared to be and are null and void thirty (30) days after the effective date of this Act; provided, however, that any distributor or wholesale dealer legally owning and holding any such dealer's permit may send such permit with his application for a permit as a distributor or wholesale dealer to the Comptroller for

credit on the fee required to be paid for such permit as distributor or wholesale dealer. The Comptroller is hereby authorized and required, upon return of such dealer's permit, to credit the legal owner thereof with one and thirty-seven hundredths (\$.0137) cents per day for each and every day of the unexpired portion of said permit; provided however, that such credit shall not be allowed after the issuance of said new permit as a distributor or wholesale dealer; provided, that any retail dealer who is the legal owner and holder and is operating under any unexpired dealer's permit which has been lawfully issued by the proper authority as provided by House Bill 20, Chapter 90, Acts of the Forty-third Legislature, shall not be required to make application for or obtain from the Comptroller the retail dealer's permit as required by this Act prior to the expiration of the twelve (12) months for which said permit fee was paid. Provided that delinquent permits shall be pro rated in the same manner and collected to the effective date of this Act. Provided further, that any person who operates both as a distributor and wholesale dealer in the same place of business shall only be required to obtain a distributor's permit for the particular place of business where such operation of said business is conducted, and any unexpired wholesale dealer's permit may be returned to the Comptroller for credit on the unexpired portion thereof only upon the purchase of a distributor's permit. A separate permit as a retail dealer, however, shall be required if any distributor or wholesale dealer sells cigarettes at retail.

If the application is for a permit to sell cigarettes from or by means of a cigarette vending machine, train, automobile or other vehicle, the serial number of said vending machine, the make, motor number and State Highway license number of said automobile or other vehicle and the name of the railway company and number of said train shall be shown on the applications.

Sec. 5. Every distributor in this State shall, within forty-eight (48) hours after receipt of any unstamped cigarettes, excluding Sundays and holidays, cause the same to have the

requisite denominations and amount of stamps affixed to represent the tax as stated herein. Provided however, that any distributor or other person engaged in interstate business who shall, within thirty (30) days from the date this law becomes effective, execute and file with the Comptroller a good and sufficient surety bond signed by the distributor or other person and a good and sufficient surety company or companies authorized to do business in this State shall be permitted to set aside such part of his stock of cigarettes as may be necessary for the conduct of such interstate business without affixing the stamps required by this Act. Provided that such bond shall be approved by and acceptable to the Comptroller in an amount of not less than Two Hundred and Fifty Dollars (\$250) and not more than double an amount necessary to stamp the largest quantity of cigarettes set aside at any time for the conduct of such business, and any quantity so set aside which is larger than that permitted in the said bond shall be subject to the same requirements as cigarettes purchased or possessed for intrastate sale. Said interstate stock shall be kept in an entirely separate part of the building, separated and apart from stamped stock. The amount of the bond required of such distributor or other person shall be fixed by the Comptroller, and subject to the minimum limitation herein provided; additional bond or a new bond shall be required by the Comptroller at any time an existing bond becomes insufficient or the surety thereon becomes unsatisfactory, which additional bond or new bond shall be supplied within ten (10) days after demand. Provided that said bond or bonds shall be payable to the State of Texas in Austin, Travis County, Texas, and conditioned for the full, complete and faithful performance of all the conditions and requirements of this Act affecting said distributor or other person on a form to be prescribed by the Comptroller, with the approval of the Attorney General. Should the distributor fail or refuse to supply a new bond or additional bond within ten (10) days after demand the Comptroller shall have the power and authority to cancel forthwith any existing bond made and

executed by and for said distributor or other person. In the event said bond is cancelled said distributor or other person shall within forty-eight (48) hours after said cancellation, excluding Sundays and holidays, cause any and all cigarettes received prior to said cancellation to have the requisite denomination and amount of stamps affixed to represent the tax as herein provided.

Sec. 6. (a) Every distributor, wholesale dealer and retail dealer shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General a complete record of all cigarettes purchased or received by said distributor, wholesale dealer or retail dealer, including all invoices, bills of lading, way bills, freight bills, express receipts or copies thereof and all other shipping records furnished by the carrier and the seller or shipper of said cigarettes, and in addition thereto a book record in a well bound book which will provide complete information of all cigarettes purchased or received by said distributor, wholesale dealer or retail dealer at each place of business. Such book record shall show the date said cigarettes were received, with the designation of whether drop-shipment or otherwise, the name and address of the person from whom purchased and from whom received, the point from which shipped or delivered, the point at which received, the name of the carrier, if shipped by common carrier, the name of the boat or barge if shipped by water, whether registered mail, insured parcel post or open mail if received by mail, the number and kind of cigarettes received with stamps affixed thereto, and, if a distributor, the number and kind of cigarettes received without the stamps affixed, and an inventory or inventories on the first of each month, showing the number and kind of cigarettes on hand with stamps affixed thereto, and, if a distributor, the number and kind without stamps affixed.

(b) Every distributor shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Com-

troller and the Attorney General the invoice of stamps purchased or received from the Treasurer and in addition thereto a book record in a well bound book which will provide complete information of all stamps purchased from the Treasurer and the disposition thereof. Such record shall show the date of receipt of stamps purchased, the number or quantity of stamps, the denomination, and amount paid for stamps so purchased. Such record shall also show the number or quantity, the denomination and face value of stamps sold by requisition from the Comptroller with the name of purchaser of said requisitioned stamps, the number or quantity, the denomination and face value of stamps sent to or received from the Treasurer as an exchange and the inventory or inventories of all stamps on hand on the first day of each month, said inventory to show the number or quantity, denomination and face value of said stamps.

(c) Every distributor and wholesale dealer shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General a complete record of each and every sale, distribution or use of cigarettes, regardless of whether or not the tax is due upon said cigarettes under the provisions of this Act, upon an invoice to be furnished by said distributor or wholesale dealer which invoice shall be issued in duplicate except when the sale or distribution is made by drop-shipment in which event the invoice shall be issued in triplicate, said invoice shall show the date of sale, distribution or use, the purchaser and his address, the means of delivery, the name of the carrier if delivered by common carrier, whether registered mail, insured parcel post or open mail if delivered through the mail, the designation of drop-shipment if the sale is a drop-shipment made by a distributor, the number and kind of cigarettes sold, and if the sale is by a distributor the number and kind of cigarettes with the stamps affixed to each individual package, and the number and kind of cigarettes without the stamps affixed thereto, and in addition thereto the said invoices

shall be supported by the receipts and other records furnished by the carrier of such cigarettes. The original of said invoice shall be delivered to the purchaser and the duplicate shall be kept by the distributor or wholesale dealer as the case may be, provided however, that when the cigarettes are distributed or exchanged in any manner where no sale is involved that an explanation of such transaction shall be stated on said invoice. Provided further, that where a distributor or wholesale dealer sells cigarettes at retail it will be sufficient for said distributor or wholesale dealer and he shall be required to issue an invoice to his retail department for cigarettes to be sold at retail and such stock of cigarettes invoiced for retail sales shall be kept separate and apart from the other stock of said distributor or wholesale dealer; provided, further, that every distributor and wholesale dealer shall keep at each place of business in Texas for a period of two (2) years for the inspection at all times by the authorized authorities a book record in a well bound book or books of all cigarettes sold, distributed or used by said distributor or wholesale dealer. Such book record shall include all information required to be kept on the invoice aforesaid.

(d) Provided that every person engaged in the business of selling cigarettes in interstate commerce only, who has, by furnishing the bond required in Section 5 of this Act, been permitted to set aside or store cigarettes in this State for the conduct of such interstate business without the stamps affixed thereto, shall be required to keep such records and make such reports to the Comptroller as are required of a distributor.

Sec. 7. Every person, other than a distributing agent, bonded distributor, or common carrier shall before receiving or accepting delivery of any cigarettes without the stamps affixed thereto, obtain from the Treasurer the requisite amount or number of stamps necessary to stamp such cigarettes and the possession of any unstamped cigarettes without the possession of the requisite amount or number of stamps shall be prima facie evidence that said cigarettes are possessed for the purpose of

making a first sale thereof without stamps.

Sec. 8. All taxes, penalties, and cost of auditing, as hereinafter provided, due, or that might become due by any distributor to the State shall be and become a preferred lien, first and prior to any and all other existing liens, contract or statutory, legal or equitable, and regardless of the time such lien originated upon all the property of any distributor, devoted to or used in his business as a distributor, which property shall include manufacturing plants, storage plants, warehouses, office buildings and equipment, trucks, cars or other motor vehicles or any other equipment devoted to such use, and each tract of land on which such manufacturing plant, storage plant, warehouse, office building or other property is located, and other tangible property which is used in carrying on such business and in addition thereto any and all cigarettes and stamps of said distributor. If any distributor shall fail to pay any taxes and penalties due the State in the proper manner provided for such payment the Comptroller may employ auditors or other persons to ascertain the correct amount due, and if such taxes have not been properly paid the distributor shall pay the reasonable expenses incurred in such investigation and audit as additional penalty. Provided however, that all funds paid to the auditors of the Comptroller as expenses incurred in making audits, shall be placed in a special fund in the State Treasury, which shall be used until exhausted, for making other audits, and said sums are hereby appropriated for that purpose. Provided that nothing herein shall prevent the Comptroller, when said fund is exhausted, from using other funds available for that purpose.

Sec. 9. (a) Every distributor shall make and deliver to the Comptroller on the 10th day of each month a report for the preceding calendar month upon a form to be prescribed by the Comptroller, which report shall be properly sworn to and executed by the distributor or his duly authorized representative and which, among other things, shall show the beginning and ending inventories for the period reported of all cig-

arettes reflecting separately whether stamped or unstamped, and the number and denominations of unused stamps on hand. Said report shall also show the number of cigarettes purchased or received and the number of cigarettes sold, used, or in any other manner disposed of, and shall reflect separately the information herein required as between stamped and unstamped cigarettes. Said report shall also show the number and denominations of stamps purchased or received and the number and denominations of stamps sold, used, lost, returned to the Treasurer for credit, exchanged, or disposed of in any other manner; provided, further, that said report shall show separately the number of cigarettes sold or distributed in interstate commerce and in intrastate commerce during the period. Provided, further, that the report shall show separately in the space provided therefor complete information of all drop-shipments of cigarettes handled by or through said distributor and a copy or copies of all invoices of such drop-shipments shall be sent with and attached to said report.

(b) If any distributor or other person fails or refuses to pay any tax, penalties and cost of audit herein provided, and it becomes necessary to bring suit or to intervene in any manner for the establishment or collection of said tax claims, in any judicial proceedings, any report filed in the office of the Comptroller by such distributor or his representative, or a certified copy thereof certified to by the Comptroller or his Chief Clerk, showing the number of cigarettes sold by such distributor or his representatives, upon which such tax, penalty and cost of audit has not been paid, or any audit made by the Comptroller or his representative from the books or records of said distributor, or other person when signed and sworn to by such representative as being made from the records of said distributor or persons from whom such distributor has bought, received, or delivered cigarettes, whether from a transportation company or otherwise, such report or audit shall be admissible in evidence in such proceedings and shall be prima facie evidence of the contents thereof; provided, however, that the incorrectness of said report or audit may be shown.

(c) In the event the Attorney General shall file suit or claim for taxes, provided for in the foregoing section, and attach or file as an exhibit any report or audit of said distributor, and an affidavit made by the Comptroller or his representatives that the taxes shown to be due by said report or audit are unpaid, that all payments and credits have been allowed, then, unless the party resisting the same shall file an answer in the same form and manner as required by Article 3736, Revised Civil Statutes of Texas, of 1935, as amended by Chapter 239, Acts of the Regular Session of the Forty-second Legislature, said audit or report shall be taken as prima facie evidence thereof, and the proceedings of said Article are hereby made applicable to suits to collect taxes hereunder.

Sec. 10. Venue of any civil suit, writ of injunction or other civil proceedings filed under the provisions of this Act shall be in a Court of competent jurisdiction in Travis County, Texas, or in the county where the defendant in such proceedings has his domicile.

Sec. 11. Provided that if the place of business of any distributor, wholesale dealer or retail dealer is a vending machine, train, automobile or other vehicle, such distributor, wholesale dealer or retail dealer, as the case may be, shall be required to designate in the application a permanent place where the records required to be kept for such place of business will be available to the Comptroller after the stocks are delivered from said vending machine, train, automobile or other vehicle and after such deliveries are made the records shall be kept at the permanent place so designated.

Sec. 12. It is expressly provided that no occupation tax shall be collected from any person vending cigarettes by means of a vending machine for the privilege of selling cigarettes only by means of such machines other than the permit fee herein imposed for each machine.

Sec. 13. If any distributor, wholesale dealer or retail dealer has violated any provision of this Act, or any rule and regulation promulgated hereunder, the Comptroller shall have the power and authority to forfeit or suspend the permit or permits of said distributor, wholesale

dealer or retail dealer by giving written notice stating the reason justifying such forfeiture or suspension and the same shall be forfeited or suspended five (5) days from date of said notice. Any notice required to be given by the Comptroller may be mailed to the distributor, wholesale dealer or the retail dealer, as the case may be, at any place designated as the place of business on the application for permit required herein. No new permit shall be issued within a period of one year to any one whose permit or permits have been forfeited, except at the discretion of the Comptroller. If any permit is forfeited or suspended no cigarette shall be sold from the place of business for which said permit applied until a new permit is granted or the suspension of the old permit removed.

Sec. 14. The funds derived from the issuance and sale of the permits to distributors, wholesale and retail dealers as herein provided shall be delivered to the Treasurer, and allocated in the same manner and in the same proportion as the funds derived from sales of stamps.

Sec. 15. (a) Every distributing agent in this State now engaged, or who desires to become engaged in the business of storing unstamped cigarettes previously sold in interstate commerce and received in interstate commerce for distribution or delivery only upon order received from without the State, shall within thirty (30) days from the date this law becomes effective, file with the Comptroller, an application for a distributing agent's permit, on a form prescribed by the Comptroller to be furnished upon written request, the failure to furnish which shall be no excuse for the failure to file the same unless an absolute refusal is shown. Said form shall set forth the name under which such distributing agent transacts or intends to transact such business as a distributing agent, the principal office and place of business in Texas for which the permit is to apply, and if other than an individual, the principal officers or members thereof and their addresses. The Comptroller may require any other information he may desire in said application. No distributing agent shall engage in such business until such application has

been filed and the fee of One Hundred Dollars (\$100) paid for the permit and until the permit has been obtained. Said permit shall expire twelve (12) months from the date on which the distributing agent engages in the business or from the expiration date of a permit previously issued to said distributing agent. An application shall be filed and a permit obtained for each place of business owned or operated by a distributing agent.

(b) Upon receipt of the application and permit fee herein provided for, the Comptroller shall issue to every distributing agent, for the place of business designated, a non-assignable, consecutively numbered permit, authorizing the storing and distribution of unstamped cigarettes within this State when such distribution is made upon interstate orders only.

(c) Every distributing agent shall keep at each place of business in Texas, except as otherwise provided, for a period of two (2) years for the inspection at all times of the Comptroller and the Attorney General, a complete record of all cigarettes received by him, including all orders, invoices, bills of lading, way bills, freight bills, express receipts, and all other shipping records which are furnished to said distributing agent by the carrier and the shipper of said cigarettes, or copies thereof, and in addition thereto, a complete record of each and every distribution or delivery made by said distributing agent, such records of a distribution or delivery shall include all orders, invoices or copies thereof, and all other shipping records furnished by the carrier and the person ordering distribution or delivery of said cigarettes.

(d) Every distributing agent in Texas shall report to the Comptroller on a form to be prescribed by the Comptroller and furnished by the distributing agent, each day excepting Sunday and holidays, all deliveries of cigarettes made by him on the preceding day or days. The report shall show the name of the person ordering the delivery, the date of delivery, the name and address of the person to whom delivered, the invoice number, the bill of lading or way bill number, the number and kind of cigarettes de-

livered, the means of delivery and/or the transportation agent and the designation of drop-shipment if a drop-shipment; provided however, if the invoice furnished said distributing agent by the manufacturer or other person ordering such delivery, or the bill of lading prepared by said distributing agent to cover the shipment under said invoice, contains all the information required to be reported, it will be sufficient to send a copy of said invoice or invoices, or a copy of said bill of lading, or bills of lading, to the Comptroller daily.

Sec. 16. If any distributor, wholesale dealer, retail dealer or distributing agent shall (a) fail to keep any of the records required to be kept by the provisions of this Act, or (b) if any distributor, wholesale dealer or retail dealer shall sell any cigarettes upon which a tax is required to be paid by this Act without at the time having a valid permit, or (c) if any distributor, wholesale dealer or distributing agent shall fail to make any reports to the Comptroller required herein to be made, or (d) make a false or incomplete report to said Comptroller, or (e) if any distributing agent shall store any unstamped cigarettes in the State or distribute or deliver any unstamped cigarettes within this State without at the time of said storage or delivery having a valid permit, or (f) if any person affected by this Act shall fail or refuse to abide by the provisions hereof or the rules and regulations promulgated hereunder, or violate the same, he shall forfeit to the State as a penalty, the sum of not less than Twenty-five Dollars (\$25) nor more than Five Hundred Dollars (\$500). Each day's violation shall constitute a separate offense and incur another penalty, which, if not paid shall be recovered in a suit by the Attorney General in a Court of competent jurisdiction in Travis County, Texas, or any Court having jurisdiction.

Sec. 16-a. All information derived or obtained by the Attorney General or the Comptroller from any such inspection of the books and records as is authorized in this Act, and all information secured, derived or obtained by the Attorney General or the Comptroller from any record, report, instrument, or copy thereof, required to be furnished under the

terms of this Act, shall be and shall remain confidential; and no record, report, or information secured, derived, or obtained by the Attorney General or the Comptroller under the terms of this Act shall be open to public inspection, and all such information, records, reports, instruments and copies thereof shall be used by the Attorney General and the Comptroller solely for the purpose of enforcing the provisions of this Act.

Any employee of the Attorney General or of the Comptroller who (a) gives to any person, firm or corporation, any information secured, derived or obtained from the inspection or examination of books or records authorized under the terms of this Act or from the records, reports, instruments and/or copies thereof, required to be furnished under the terms of this Act, or (b) permits the inspection by any person, firm or corporation, of any of the reports, records, instruments, or copies thereof required to be furnished under the terms of this Act, or (c) gives a copy or copies of any such records, reports, instruments, or copy thereof required to be furnished under the terms of this Act to any person, firm or corporation, or (d) gives any information to any person, firm or corporation concerning the records of all or any parts of the reports, records, instruments, or copies thereof required to be furnished under the provisions of this Act, shall be guilty of a misdemeanor and shall be punished by confinement in the County Jail for not more than six (6) months, or by a fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500), or by both such fine and imprisonment; provided, however, that it shall not be an offense under the terms of this Act for any employee of the Attorney General or of the Comptroller to furnish any such information as is hereinabove described to any other employee of the Attorney General or of the Comptroller where such information is furnished or given for use in the enforcement of this Act.

Sec. 17. For the purpose of enabling the Comptroller to determine the tax liability of a distributor, wholesale dealer, retail dealer, distributing agent or any other person dealing in cigarettes, or to determine

whether a tax liability has been incurred, he shall have the right to inspect any premises where cigarettes are manufactured, produced, made, stored, transported, sold, or offered for sale or exchange and to examine all of the records required herein to be kept or any other records that may be kept incident to the conduct of the cigarette business of said distributor, wholesale dealer, retail dealer, distributing agent, or other person dealing in cigarettes. The said authorized officers shall also have the right as an incident to determining the said tax liability, or whether a tax liability has been incurred, to examine all stocks of cigarettes and cigarette stamps, and for the foregoing purpose said authorized officers shall also have the right to remain upon said premises for such length of time as may be necessary to fully determine said tax liability, or whether a tax liability has been incurred, and it shall be unlawful for any of the foregoing persons to fail to produce upon demand by the Comptroller any records required herein to be kept or to hinder or prevent in any manner the inspection of said records or the examination of said premises.

Sec. 18. Every common carrier in this State having custody of books or records showing the transportation of cigarettes both interstate and intrastate shall give and permit the Comptroller free access to such books and records.

Sec. 19. Except as herein provided, it shall be unlawful for any person to have in his possession for sale, distribution or use, or for any other purpose, cigarettes upon which a tax is required to be paid by this Act, without having affixed to each individual package of cigarettes the proper stamp evidencing the payment of such tax and the absence of said stamp on said individual package of cigarettes shall be notice to all persons that the tax has not been paid and shall be prima facie evidence of the non-payment of said tax.

No person, other than a common carrier, shall transport within this State cigarettes, upon which a tax is required to be paid, without having stamps affixed to each individual package of said cigarettes or shall fail or refuse, upon demand of the Comptroller, to stop any vehicle transporting cigarettes for a full and

complete inspection of the cargo carried.

No person shall use, sell, offer for sale or possess for the purpose of use or sale, within this State, any previously used stamp or stamps or attach any such previously used stamp to an individual package of cigarettes.

No person shall, except as otherwise provided, purchase stamps from any person other than the Treasurer or sell stamps purchased from said Treasurer or sell or distribute cigarettes in this State without stamps affixed to each individual package regardless of whether such sale or distribution constitutes a first sale or otherwise.

No person shall knowingly use, consume or smoke, within this State, cigarettes upon which a tax is required to be paid without said tax having been paid.

No person shall use any artful device or deceptive practice to conceal any violation of this Act or mislead the Comptroller in the enforcement of this Act.

Sec. 20. All cigarettes on which taxes are imposed by this Act, which shall be found in the possession, or custody or within the control of any person, for the purpose of being sold or removed by him in fraud of the Cigarette Tax Law, and all cigarettes which are removed or are deposited or concealed in any place with intent to avoid payment of taxes levied thereon, and any automobile, truck, boat, conveyance or other vehicle whatsoever, used in the removal or transportation of such cigarettes for such purposes, and all equipment, paraphernalia or other tangible personal property incident to and used for such purpose, found in the place, building or vehicle where such cigarettes are found, may be seized by the Comptroller, with or without process, and the same shall be from the time of such seizure forfeited to the State of Texas, and a proceeding in the nature of a proceeding in rem shall be filed in a Court of competent jurisdiction in the county of seizure to maintain such seizure and declare and perfect said forfeiture as hereinafter provided. All such cigarettes, vehicles and property so seized as aforesaid, remaining in the possession or custody of the Comptroller, sheriff or other officer for forfeiture or other disposition as provided by

law, shall be deemed to be in the custody of law and irrepleviable.

The Comptroller, when making the seizure aforesaid, shall immediately make a written report thereof showing the name of the agent or representative making the seizure, the place and person where and from whom such property was seized and an inventory of same and appraisement thereof at the usual and ordinary retail price of the article seized, which report shall be prepared in duplicate, signed by the agent or representative so seizing, the original of which shall be given to the person from whom said property is taken, and a duplicate copy of which shall be filed in the office of the Comptroller and shall be open to public inspection.

The Attorney General, or the district or county attorney of the county of seizure, shall, at the request of the Comptroller, file in the county and Court aforesaid forfeiture proceeding in the name of the State of Texas as plaintiff, and in the name of the owner or person in possession as defendant, if known, and if unknown, then in the name of said property seized and sought to be forfeited. Upon the filing of said proceeding, the Clerk of said Court shall issue notice to the owner or person in possession of such property to appear before such Court upon the date named therein, which shall not be less than two (2) days from service of such notice, to show cause why the forfeiture aforesaid should not be declared, which notice shall be served by the sheriff of said county. In the event the defendant in said proceeding is a non-resident of the State or his residence is unknown, or in the event the name of such defendant is unknown, upon affidavit by the Comptroller to this effect, notice or process shall be served or published in the mode and manner provided by existing Statutes for service of citation upon non-residents or unknown defendants, provided, however, such proceeding may be heard at any time after ten (10) days from service of such process or the first publication of such notice. And in such cases, the Court shall appoint an attorney to represent such defendant, who shall have the rights, duties and compensation as provided by existing Statutes in cases of attorneys appointed to

represent non-residents and unknown defendants.

In the event final judgment is rendered in the forfeiture proceeding aforesaid, maintaining the seizure, and declaring and perfecting the forfeiture of said seized property, the Court shall order and decree the sale thereof to the highest bidder by the sheriff at public auction in the county of seizure, after ten (10) days notice by advertisement at least twice in any legal publication of such county, and the proceeds of such sale, less expenses of seizure and Court costs, shall be paid into the State Treasury and shall be allocated as the Cigarette Tax is herein allocated. In the event the district or county attorneys file and prosecute such cases, a fee of Fifteen Dollars (\$15) shall be paid to such officers in addition to all other fees allowed by law under the Maximum Fee Bill, which fee shall be collected as Court costs out of the proceeds of such sale.

In lieu of the forfeiture proceeding aforesaid, the Comptroller may elect to sell the cigarettes and property seized by him in cases where such property appears by the report or receipt of the officer seizing same to be of the appraised value of Five Hundred Dollars (\$500), or less, by the following summary proceedings:

1st. The Comptroller shall publish a notice in some newspaper of the County where the seizure was made, describing the property seized and stating the time, place and cause of their seizure, and requiring any person claiming such property, or any interest therein or thereto, to appear and make such claim within fifteen (15) days from the date of such publication of such notice.

2nd. Any person claiming such property so seized, or any interest therein or thereto, within the time specified in such notice, may file with the said Comptroller his claim, stating his interest in the property seized and may execute a bond to the State of Texas in the penal sum of Two Hundred and Fifty Dollars (\$250), with sureties to be approved by said Comptroller, conditioned that, in case of the establishment of forfeiture of the articles so seized, the obligors shall pay all the costs and expenses of the proceeding to obtain such forfeiture; and upon the delivery of such bond to the Comp-

troller, he shall transmit the same with a certified copy of the report or receipt of the property seized, filed in his office, to the Attorney General or the County or District Attorney of the county of seizure, and forfeiture proceedings shall be instituted and prosecuted thereon in the Court of competent jurisdiction as provided by law.

3rd. If no claim is interposed and no bond is given within the time above specified, the Comptroller shall give ten (10) days notice of a sale of the property under seizure by publication two times in a newspaper of the county of seizure, and, at the time and place specified in such notice, shall sell the property so seized at public auction, and, after deducting expense of seizure, appraisement, custody and sale, he shall deposit the proceeds thereof in the State Treasury, which shall be allocated to the funds to which the Cigarette Tax levied hereunder is apportioned.

In the event the cigarettes seized hereunder and sought to be sold upon forfeiture, summary sale, or other process provided by law shall be unstamped, the officers selling the same shall, upon sale thereof, affix or cause to be affixed, the stamps so required and deduct the expense thereof from the proceeds of such sale.

Sec. 21. The seizure, forfeiture and sale of cigarettes and other property under the terms and conditions hereinabove set out, and whether with or without court action, shall not be or constitute any defense or exemption to the person owning or having control or possession of such property from criminal prosecution for any act or omission made or offense committed under this law or from liability to pay penalties provided by this law, with or without suit therefor.

Sec. 22. Jurisdiction is hereby conferred upon the Comptroller to waive any proceedings for the forfeiture of any of the property seized under the provisions of this Act, or any part thereof, provided that the offender shall first affix to each of the individual packages of cigarettes seized the amount and value of the stamps necessary to represent the tax, and in addition to the stamps required, pay into the State Treasury through the Comptroller a sum equal to the value of the stamps required to be affixed to such cigarettes. The

said Comptroller may make a compromise with any claimant, before or after the claim is filed in court. A record of all such compromises and waivers of forfeiture shall be kept by the Comptroller and shall be open to public inspection.

If upon examination of invoices or other investigation the Comptroller finds that cigarettes have been sold without stamps affixed as required in this Act, he shall have the power to require of such person, to pay into the State Treasury through him a sum equal to twice the amount of the stamp tax due. If upon examination of invoices or other investigation, such person is unable to furnish evidence to the Comptroller of sufficient stamp purchases to cover unstamped cigarettes purchased by him, the prima facie presumption shall arise that such cigarettes were sold without the proper stamps affixed thereto.

Sec. 23. All moneys collected by the Comptroller under the provisions of Section 22 of this Act, after payment of all costs and commissions, shall be paid to the Treasury and credited as the taxes imposed hereunder are credited.

Sec. 24. (a) It is hereby made the duty of the Comptroller to collect, supervise and enforce the collection of all taxes and penalties that may be due under the provisions of this Act, and to that end the Comptroller is hereby vested with all of the power and authority conferred by this Act. Said Comptroller also shall have the power and authority to make and publish rules and regulations, not inconsistent with this Act or the other laws of the Constitution of this State or of the United States, for the enforcement of the provisions of this Act and the collection of revenues hereunder.

(b) The Treasurer may promulgate rules and regulations hereunder providing for the refund on stamps which by reason of damage become unfit for sale or use.

Sec. 25. (a) Whoever shall make a first sale of any cigarettes without a stamp being then and there affixed to each individual package, or (b) whoever shall sell, offer for sale, or present as a prize or gift any cigarettes without a stamp being then and there affixed to each individual package, or (c) whoever shall sell cigarettes in any quantities less than an individual package, or

(d) whoever shall knowingly consume, use or smoke any cigarettes upon which a tax is required to be paid without a stamp being affixed upon each individual package, or (e) whoever possesses in violation of any provision of this Act cigarettes, upon which a tax is required to be paid, in quantities of less than ten thousand (10,000) cigarettes, or (f) whoever shall knowingly cancel or mutilate any stamp affixed to an individual package of cigarettes for the purpose of concealing any violation of this Act, or with other fraudulent intent, or (g) whoever shall use any artful device or deceptive practice to conceal any violation of this Act, or (h) whoever shall mislead the Comptroller in the enforcement of this Act, or (i) whoever shall refuse to surrender to the Comptroller upon demand any cigarettes possessed in violation of any provision of this Act, or (j) whoever as distributor, or as agent, employee or representative of a distributor, shall make a first sale of any cigarettes without at the time of said first sale having a valid permit, or (k) make a first sale without at the time of said first sale having a permit posted so as to be easily seen by the public, or (l) whoever as distributor, wholesale dealer, or the agent, employee or representative of a distributor or wholesale dealer, shall fail to deliver an invoice required by law to be delivered to a purchaser of cigarettes, or (m) whoever as wholesaler dealer or retail dealer or the agent, employee or representative of a wholesale dealer or retail dealer, shall sell cigarettes without at the time of said sale having a valid permit, or (n) sell cigarettes without at the time of said sale having a permit posted so as to be easily seen by the public, or (o) whoever as distributing agent shall store or distribute unstamped cigarettes without at the time of said storage or distribution having a valid distributing agent's permit shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200).

Sec. 26. (a) Whoever shall knowingly transport any cigarettes in quantities of more than forty (40) cigarettes without a stamp being then and there affixed to each individual package, or (b) while trans-

porting cigarettes shall wilfully refuse to stop the motor vehicle he is operating when called upon to do so by a person authorized to stop said motor vehicle, or (c) refuse to permit a full and complete inspection of his cargo by said authorized person, or (d) whoever shall refuse to permit a full and complete inspection by said authorized person of any premises where cigarettes are manufactured, produced, made, stored, transported, sold or offered for sale or exchange, or (e) whoever shall use, sell, offer for sale or possess for the purpose of use or sale, any previously used stamps, or (f) attach or cause to be attached to any individual package of cigarettes any previously used stamp, or (g) use or consent to the use of any previously used stamps in connection with the sale or offering for sale of any cigarettes, or (h) whoever shall purchase stamps from any person other than the Treasurer without then and there having a requisition from the Comptroller authorizing said purchase, or (i) whoever shall sell any lawfully issued stamps to any person other than the Treasurer without then and there having a requisition from the Comptroller authorizing said sale, or (j) whoever shall possess in violation of any provision of this Act cigarettes upon which a tax is required to be paid in quantities of ten thousand (10,000) or more cigarettes, or (k) whoever as distributor or distributing agent, or as the agent, employee or representative of a distributor or a distributing agent shall knowingly make, deliver to and file with the Comptroller a false return or report, or an incomplete return or report, or (l) whoever shall knowingly fail to make and deliver to the Comptroller, a return or report as required by the provisions of this Act to be made, or (m) whoever as distributor, wholesale dealer, retail dealer or distributing agent, or as the agent, employee, or representative of a distributor, wholesale dealer, retail dealer or distributing agent, shall destroy, mutilate or secrete any of the books and records required herein to be kept, or (n) shall refuse to permit the Comptroller, or the Attorney General to inspect, examine and audit any books and records required herein to be kept, or any other records incident to the conduct of the cigarette business that may be kept, or (o) shall

knowingly make any false entry or fail to make entries in the books and records required by the provisions of this Act to be kept by a distributor, wholesale dealer, retail dealer or distributing agent, or (p) shall fail to keep for a period of two (2) years in Texas any books and records required herein to be kept by a distributor, wholesale dealer, retail dealer or distributing agent, shall be guilty of a felony and shall be punished by confinement in the State Penitentiary for not more than two (2) years or by confinement in the County Jail for not less than one month nor more than six (6) months, or by a fine of not less than One Hundred Dollars (\$100) nor more than Five Thousand Dollars (\$5,000) or by both such fine and imprisonment.

Provided that if any penalties prescribed in Section 25 of this Act overlap as to offenses which are also punishable under Section 26 of this Act, then the penalties prescribed by this Section shall apply and control all other penalties.

Sec. 27. Venue of a prosecution under the preceding Section shall be in Travis County, Texas, or in the county in Texas where the offense occurred.

Sec. 28. Any person who shall print, engrave, make, issue, sell or circulate, or who shall possess, or have in his possession, with intent to use, sell, circulate or pass, any counterfeit stamp, or who shall use, or consent to the use of, any counterfeit stamp in connection with the sale, or offering for sale, of any cigarettes, or who shall place, or cause to be placed, on any individual package of cigarettes, any counterfeit stamp, shall be guilty of a felony and upon conviction, shall be punished by confinement in the State Penitentiary for a term of not less than two (2) years nor more than twenty (20) years.

Sec. 29. Venue of a prosecution under the preceding Section shall be in Travis County, Texas.

Sec. 30. That two and one-half per cent (2½%) of the gross amount of taxes, permit and license fees and other funds derived under the provisions of this Act shall be set aside in a special fund subject to the use of the Comptroller and so much of said fund as may be necessary shall be expended in the administration and enforcement of the

provisions of this Act and so much of the proceeds of two and one-half per cent (2½%) of said tax and funds shall be and the same is hereby appropriated for said purposes, same to be paid monthly as needed; provided that payment for the manufacturing or printing of the cigarette tax stamps and for any expenses incurred by the Board incident thereto shall be made from the revenue derived from the cigarette tax before such fund is allocated under the provisions of this Act and so much of said fund as may be necessary is hereby appropriated for such purpose; any unexpended portion of said funds so specified shall at the end of each biennium be paid in the proper proportion to the funds to which the cigarette tax fund shall be apportioned.

The Director of the Cigarette Tax Division shall, in addition to the duties of supervising and directing the administration and enforcement of the provisions of this Act, personally supervise the printing or manufacturing of all cigarette tax stamps under the contract as awarded by the Board of Control and he shall have possession and custody of, and be responsible for, all specification plans, photographs, impressions, drawings, electroplates, printing stones and any and all other property or equipment that may provide a means of reproducing, manufacturing or printing of cigarette tax stamps in the design selected by the Cigarette Tax Stamp Board. The said Director shall also be charged with the responsibility of inspecting the stamps after such stamps have been manufactured or printed and all sheets of stamps that do not meet the specifications required in the contract shall be rejected and destroyed by or under the direct personal supervision of said Director; and the Director shall have control of said stamps and be responsible therefor until delivery is made to the Treasurer.

Provided that the salaries of the assistant director, auditors, accountants, investigators, tax supervisors and other employees hereunder shall not be in excess of the salaries fixed in House Bill 780, an Act of the Regular Session of the Forty-fourth Legislature, 1935, making appropriations for the support and maintenance of the executive and administrative departments of the State, for

employees in the same or other departments of the State government rendering the same or similar service.

Sec. 31. That House Bill 578, Chapter 153, Acts of the Regular Session of the Forty-third Legislature as amended and reenacted by House Bill 20, Chapter 90, Acts of the First Called Session of the Forty-third Legislature, as further amended by House Bill 31, Chapter 6, Acts of the Second Called Session of the Forty-third Legislature, and House Bill 67, Chapter 52, Acts of the Second Called Session of the Forty-third Legislature, and all other laws or parts of laws that conflict herewith are hereby in all things repealed.

Sec. 32. That all sales, occupation or excise taxes, penalties and interest accruing to the State of Texas by virtue of any of the repealed provisions as set out in this Act before the effective date of this Act shall be and remain valid and binding obligations to the State of Texas for all taxes, penalties and interest accruing under the provisions of prior or existing cigarette tax laws, and all such taxes, penalties and interest now or hereafter becoming delinquent to the State of Texas before the effective date of this Act are hereby expressly preserved and declared to be legal and valid obligations to the State.

Sec. 33. The passage of this Act shall not affect offenses committed, or prosecutions begun, under any pre-existing law, but any such offenses or prosecutions may be conducted under the law as it existed at the time of the commission of the offense.

Sec. 34. If any article, section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases should be declared unconstitutional.

Sec. 35. The fact that the State of Texas is losing many thousands of dollars in the use and sale of counterfeit cigarette tax stamps, and the further fact that the present cig-

arette tax law is vague and indefinite and that there are many evasions of the present cigarette tax law, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read.

On motion of Senator Beck, the conference committee report on H. B. No. 755 was adopted by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

S. C. R. No. 64.

Senator Oneal received unanimous consent to suspend the regular order of business and sent up S. C. R. No. 64.

By Senator Oneal:

Be it resolved by the Senate of Texas, the House of Representatives concurring, That Joint Rules Nos. 22, 23, 24 and 32 be suspended in order that the Senate may consider S. B. No. 533 and the House consider H. B. 1001 until finally disposed of, which are identical bills and have to do with permitting school districts to issue either term or serial bonds for the purpose of refunding outstanding bonds.

Senator Oneal asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that

S. C. R. No. 64 be taken up and considered at this time.

Unanimous consent was granted.

S. C. R. No. 64 was adopted by viva voce vote.

House Bill No. 736.

The question recurred on adoption of Committee Amendment No. 12.

Motion to Table.

Senator Hornsby moved to table Committee Amendment No. 12.

The motion to table prevailed by the following vote:

Yeas—18.

Burns.	Isbell.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Redditt.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Van Zandt.
Hornsby.	Woodruff.

Nays—8.

Blackert.	Regan.
Martin.	Stone.
Moore.	Sulak.
Rawlings.	Westerfeld.

Absent.

Beck.	Poage.
Neal.	

Absent—Excused.

Fellbaum.	Hopkins.
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Motion to Table.

Senator Woodruff moved to table the Committee Amendment No. 13.

Senator Woodruff withdrew his motion to table.

Motion to Table.

Senator DeBerry moved to table Committee Amendment No. 13.

Motion pending.

Recess.

On motion of Senator Pace the Senate at 12:04 o'clock p. m. recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m. pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

H. J. R. No. 48.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Alexander, et al:

H. J. R. No. 48, A joint resolution "Proposing an amendment to Section 1, of Article XVII, of the Constitution of Texas, providing that Constitutional Amendments may be submitted by the Legislature at Special Sessions under certain conditions; providing for an election on the question of the adoption of such amendment and providing for the proclamation and the publication thereof; describing the form of ballot, and making an appropriation therefor."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Nays—1.

DeBerry.

Absent—Excused.

Fellbaum.

On motion of Senator Shivers the Senate rule requiring joint resolutions to be read on three several days was suspended and H. J. R. No. 48 was put on its third reading and final passage by viva voce vote.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Nays—1.

DeBerry.

Absent—Excused.

Fellbaum.

House Bill No. 736.

Pending business was H. B. No. 736 with pending motion to table Committee Amendment No. 13.

Senator DeBerry withdrew his motion to table.

Committee Amendment No. 13 was lost by the following vote:

Yeas—10.

Blackert.	Moore.
Davis.	Rawlings.
Holbrook.	Sulak.
Hornsby.	Westerfeld.
Martin.	Woodruff.

Nays—10.

Burns.	Hill.
Collie.	Oneal.
Cotten.	Poage.
DeBerry.	Redditt.
Duggan.	Shivers.

Absent.

Beck.	Sanderford.
Hopkins.	Small.
Neal.	Stone.
Pace.	Van Zandt.
Regan.	

Absent—Excused.

Fellbaum. Isbell.

Verification Called For.

Senator DeBerry called for verification.

Verification.

Verification showed "no quorum" present but roll call correct.

A "quorum" was developed.

The vote was taken again on Committee Amendment No. 13.

Committee amendment No. 13 was lost by the following vote:

Yeas—7.

Blackert.	Rawlings.
Hornsby.	Sulak.
Isbell.	Westerfeld.
Martin.	

Nays—16.

Beck.	Moore.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Redditt.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Woodruff.

Absent.

Davis.	Regan.
Hopkins.	Sanderford.
Neal.	Stone.

Absent—Excused.

Fellbaum. Van Zandt.

Motion to Reconsider.

Senator Moore moved to reconsider the vote by which Committee Amendment No. 13 failed of adoption.

Motion to Table.

Senator Woodruff moved to table. Senator Woodruff withdrew his motion to table.

The question recurred on the motion to reconsider.

Motion to Table.

Senator DeBerry moved to table the motion to reconsider.

The motion to table prevailed by the following vote:

Yeas—16.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
DeBerry.	Shivers.
Duggan.	Small.
Hill.	Van Zandt.
Hornsby.	Woodruff.

Nays—10.

Blackert.	Moore.
Davis.	Neal.
Holbrook.	Rawlings.
Isbell.	Sulak.
Martin.	Westerfeld.

Absent.

Hopkins.	Sanderford.
Regan.	Stone.

Absent—Excused.

Fellbaum.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 736 by adding after the word "thereof" on page 7, line 13, the following:

"Where manufactured in Texas, and two dollars (\$2.00) per barrel inspection fee where manufactured outside of and shipped into the State of Texas, for distribution, or sale in this State."

WOODRUFF.

Read and withdrawn.

Amend H. B. No. 736, page 19, Section 21, Subsection (b), by adding the following:

"It shall likewise be unlawful to sell beer between the hours of 12 p. m. on Saturday and 12 p. m. Sunday."

HILL.

Read and pending.

H. C. R. No. 162.

Senator Westerfeld received unanimous consent to suspend the regular order of business and take up H. C. R. No. 162.

The Chair laid before the Senate H. C. R. No. 162 "Declaring H. B. No. 11 to become effective immediately."

Senator Westerfeld moved that the Senate rule requiring resolutions to be referred to a committee be suspended as to H. C. R. No. 162.

Unanimous consent was granted.

H. C. R. No. 162 was adopted by the following vote:

Yeas—21.

Blackert.	Duggan.
Collie.	Hill.
Davis.	Holbrook.

Hopkins.
Hornsby.
Isbell.
Martin.
Moore.
Neal.
Pace.
Poage.

Rawlings.
Regan.
Shivers.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Nays—6.

Beck.	DeBerry.
Burns.	Oneal.
Cotten.	Redditt.

Absent.

Sanderford.	Stone.
Small.	

Absent—Excused.

Fellbaum.

Senate Resolution No. 98.

Senator Small sent up S. R. No. 98, Memorializing Hon. Arthur C. Johnson.

S. R. No. 98 was adopted unanimously.

Privileged Motion.

House Bill No. 455.

Senator Hill moved that the Senate do not grant the request of the House for the appointment of a Conference Committee on H. B. No. 455.

Substitute Motion.

Senator Woodruff moved as a substitute that the Senate grant the request of the House for the appointment of a Conference Committee.

Senator Redditt amended the motion that the committee be instructed to strike out nothing except the Section relating to permit fees.

Motion to Extend Time.

Senator Poage moved that the time be extended five minutes.

The motion prevailed by viva voce vote.

The amendment to the motion was adopted by viva voce vote. The substitute motion as amended was adopted by viva voce vote.

Conference Committee Appointed.

The Chair appointed the following conferees on the part of the Senate on H. B. No. 455:

Senators Redditt, Small, Shivers, Hill and Stone.

Privileged Motion.

Senate Resolution No. 97.

Senator Moore sent up the following resolution:

Whereas, Hon. M. E. Foster, Editor of the Houston Press, is within the Capital City; and

Whereas, he has a long and distinguished career as a newspaper man; now therefore,

Be it resolved by the Senate, That Hon. M. E. Foster be invited to address the Senate and accorded the privileges of the floor.

MOORE.

Read and unanimously adopted.

The Chair appointed Senators Pace, Moore and Cotten as the committee to escort the Hon. M. E. Foster to the stand.

Lieutenant Governor Walter F. Woodul presented Senator Moore, who in turn presented Hon. M. E. Foster.

Mr. Foster addressed the Senate.

House Bill No. 327.

Senator Duggan sent up the following Conference Committee report on H. B. No. 327.

Committee Room,

Austin, Texas, May 6, 1935.

Hon. Walter F. Woodul, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred H. B. No. 327 have had the same under consideration, and we recommend to the House of Representatives and to the Senate that said bill pass in the form attached hereto.

Respectfully submitted,

**RUSSELL,
AIKIN,
HANKAMER,
PETSCH,**

On the part of the House.

**DUGGAN,
SANDERFORD,
DAVIS,
POAGE,
REDDITT,**

On the part of the Senate.

By Russell, et al. H. B. No. 327.

A BILL

to be entitled

An Act appropriating Five Million Dollars (\$5,000,000) per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1935, and ending August 31, 1937, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal Funds appropriated for the purpose of conducting Vocational Agriculture, Home Economics, Trades and Industries, General Rehabilitation and Rehabilitation for Crippled Children; attaching conditions, regulations and limitations relative thereto; authorizing Aid to such schools in accordance with the conditions specified herein; providing for the maintenance for a certain length of term of all schools meeting the requirements of this Act; authorizing the use of an amount not to exceed a certain sum for the payment each year of the biennium for high school tuition for rural school pupils according to the provisions of H. B. No. 158, General Laws, Regular Session, 44th Legislature; providing for the payment of Transportation Aid under certain conditions; specifying the penalties for violation of any provision of this Act; providing assistance for rural schools that will afford instruction and demonstration in home and farm vocations; providing all costs of administering funds named in Section 13, shall be paid out of moneys appropriated in this Act and shall not exceed amounts appropriated by the general appropriation bill for support and maintenance of the Executive and Administrative Departments and agencies of the State for biennium ending August 31, 1937; authorizing the Department of Vocational Rehabilitation to receive donations and gifts and place same in the State Treasury of Texas in a special fund to be used under the provisions of the Vocational Rehabilitation Act; authorizing the State Board of Education and the State Superin-

tendent of Public Instruction to administer the funds appropriated herein; providing purposes for which funds appropriated hereunder may be used; defining powers of State Board of Education and of State Superintendent of Public Instruction; providing for appointment of certain employees; providing for application for Aid; making certain exceptions for counties with less than one thousand, four hundred (1,400) scholastics; providing for transfer of entire district under certain conditions; defining the manner of payments and disbursements of all moneys granted under the provisions of this Act; making provisions for performance of duties authorized in this Act in counties where there is no county school board; enacting other provisions necessary and incidental to the provisions of this Act; providing the State shall not be pledged nor obligations incurred against the Rural Aid Fund in any one year in excess of amount appropriated; providing for qualifications of teachers in schools receiving State Aid and making certain exemptions; providing no financial aid shall be withheld because of deficiency in certificates held by teachers in a school unless such deficiency is covered by a rule or regulation expressly provided by Statute of the State of Texas; providing that the tax provisions and other inhibition provided in said bill shall not apply to school attended by Alabama Indians in Polk County; declaring the rule in event any provision of this Act is unconstitutional or invalid; repealing all laws and parts of laws in conflict herewith; and declaring an emergency.

Section 1. (Appropriation) For the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State including sufficient funds to match Federal funds appropriated for the purpose of conducting Vocational Agriculture, Home Economics, Trades and Industries, General Rehabilitation and Rehabilitation for Crippled Children, there is hereby appropriated

out of the General Revenue Fund, Five Million Dollars (\$5,000,000) or so much thereof as may be necessary for the school year ending August 31, 1936, and Five Million Dollars (\$5,000,000) or so much thereof as may be necessary for the school year ending August 31, 1937, to be allocated and expended by the State Superintendent under the direction of the State Board of Education; provided that any unexpended balance occurring at the end of the year 1936 may be transferred and added to the appropriation for the year ending August 31, 1937.

Sec. 2. (Scholastic Population of District) State Aid under the provisions of this Act may be distributed in such a way as to assist all schools of not fewer than twenty (20) scholastics and not more than four hundred (400) scholastics located in districts of not more than five hundred (500) scholastics, and consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school districts unit, and all districts composed of entire counties having a scholastic population of less than five thousand (5,000); providing the provisions of this Section shall not apply to any school district containing forty-eight (48) square miles of territory or more, or any district of a length of not less than nine miles, for the purpose of receiving Transportation Aid. It is expressly understood that the provisions and limitations of this Section shall not apply to Industrial Aid, Vocational Aid and Aid for Crippled Children.

Sec. 3. (Distance Between Schools) No Aid shall be granted to any school under the provisions of this Act which is located within two and one-half (2½) miles of another school of the same race, unless on account of the condition of the roads and other physical features it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated and/or rural high school district nor to any district which at some previous election has voted to remove such conditions by consolidation.

Sec. 4. (Teacher Pupil Load) State Aid under provisions of this Act shall be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district for the current year and there shall be deducted all scholastics who have completed the course of study in their home school, as authorized by the County Board of Trustees, provided that in unusual or extraordinary conditions of actual enrollment, an adjustment as to the number of teachers may be made by the State Superintendent, with the approval of the State Board of Education.

Sec. 5. (Average Daily Attendance) No school shall be granted Aid under the provisions of this Act whose average daily attendance is less than sixty-five per cent (65%) of the scholastic census enrollment for either white or colored school. Provided, the provisions of this Act shall not apply to any school where there is any kind of epidemic of sickness. Districts where parochial schools are maintained are exempt from the provisions of this Section.

Sec. 6. (Tax Levy) No school district shall be eligible to receive Aid under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying, and collecting for the current year a local maintenance school tax, exclusive of the tax for Interest and Sinking Fund for bonds, of not less than fifty (50) cents on the One Hundred Dollars (\$100) of property valuation in the entire district, or not less than seventy-five (75) cents, inclusive of the tax for Interest and Sinking Fund for bonds; and providing further, that the property valuation shall not be less than said property is valued for State and county purposes. Any school district which shall after October 1, 1935, reduce its existing property assessment and/or existing tax rates, thereby enabling it to participate under this Act, shall not be eligible

to receive Aid from any of the funds herein provided.

Sec. 7. (Taxable Wealth) No part of the Aid herein provided for teachers' salaries shall be given to a school district with an assessed valuation in excess of Three Thousand Dollars (\$3,000) per scholastic as shown by the scholastic census, said valuation being assessed as provided heretofore; provided, that this Section does not apply to school districts that levy and assess a One Dollar (\$1.00) tax on the One Hundred Dollars (\$100) valuation of taxable property.

Provided the State Superintendent shall take into consideration, in fixing allowances to school districts, any loss sustained by said district by reason of the Federal Government buying lands for national forests, and by reason of the location in said districts of University lands, and the State Superintendent shall be authorized to make allocations to said districts by virtue of losses sustained by said districts by reason of Federal purchase of lands, the amounts to be fixed by the State Superintendent based upon existing facts and circumstances as applicable to all other school districts.

Sec. 8. (Salary Schedule) No part of the Aid herein provided shall be used for increasing the monthly salary of any teacher, but funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such Aid on the basis of a schedule of teachers' salaries to be determined by the State Superintendent of Public Instruction with the approval of the State Board of Education.

Sec. 9. (Length of Term) All schools of the unaffiliated class receiving Aid shall provide a term of approximately eight months. These schools shall be so classified by the county board as to provide as nearly as possible an eight (8) months term out of State, county, and local funds. Should there not be sufficient funds to maintain the schools as herein stated, then Aid may be granted subject to the other provisions of this Act. Should any school district eligible to receive Aid under the provisions of this Act maintain a salary schedule in excess of the

salary schedule as determined by the State Superintendent with the approval of the State Board of Education, the amount of Aid received by such school district shall be reduced by the amount of such excess.

Nothing in this Act shall be construed as forcing the consolidation of any schools, nor shall any Aid be withheld from any school for its failure to consolidate.

Sec. 10. (High School Tuition) It is hereby expressly provided that a sufficient amount of funds appropriated by this Act shall be used for the payment of high school tuition not to exceed Seven Dollars and Fifty Cents (\$7.50) per pupil per month. High School tuition shall be paid according to the provisions of House Bill No. 158, General Laws, Regular Session, 44th Legislature. Providing that the provisions of this Section shall not apply to granting of Aid under terms of this Section for Vocational Education or Crippled Children. It is further provided that high school tuition Aid, as above set out, shall be granted for pupils transferred to outside high schools from the State Home for Dependent and Neglected Children at Waco and from the Alabama and Coushatta Indian Reservation near Livingston, provided the Aid so granted shall not exceed the per capita tuition charged other schools' transferred high school pupils by the high schools affected hereby.

Sec. 11. (Transportation Aid) The County superintendent and county school board are hereby authorized to set up a system of transportation for the purpose of transporting high school pupils from their districts, to the most convenient accredited high school. The expense of such transportation shall be paid out of funds hereby provided, not to exceed Two Dollars (\$2) per pupil per month. Provided, further, that in districts composing an entire county, high school Transportation Aid as authorized in this Section may be granted for the purpose of transporting high school pupils within such districts to the most convenient accredited high school.

It is further provided that the District through which these buses travel may make provisions with the county superintendent and the county school board to have any

other children not provided for herein, transported within and between their respective districts, and said districts may make application for State Aid thereon to an amount not to exceed One Dollar (\$1) per month per pupil. Provided, that where regular buses do not run in sparsely settled section of counties which are operating under a county unit system, the county school board and county superintendent are authorized to make provisions for the transportation of pupils within said districts, and may make application for State Aid thereon to an amount not to exceed One Dollar (\$1) per month per pupil. Providing that all school districts containing one hundred (100) square miles of territory or more may receive Transportation Aid of Two Dollars (\$2) per month per pupil. And provided further that like Aid of One Dollar (\$1) per month per pupil shall be made in respect of transportation in any common school district in which there exists two school plants, one of which is a first class four (4) year high school and which said plants are separated by a distance of not less than two and one-half (2½) miles.

Sec. 12. (Penalty Provision) Any district violating any of the provisions of this Act, shall forfeit all rights to such Aid and may be disqualified to receive any Aid of any nature under any Section of this Act for the current year. Should any school which would otherwise be eligible to receive Aid agree, provide, or contract with teachers to pay a smaller monthly salary during the remainder of the term following the granting of Aid, provided out of local funds, then is paid out of State Funds, then such school shall forfeit its right to receive Aid. Provided any Census Trustee who shall wilfully make any false report in his roll or summary shall forfeit the right of the district he serves to receive any amount of money that may be provided for in this Act.

Sec. 13. (Industrial Aid) Aid may be granted to any one school in the district employing three or more teachers which will provide for the proper instruction and demonstration in farm mechanics, agriculture and home economics, according to the program approved and pub-

lished by the State Department of Education and employing a teacher or teachers whose Qualifications are in accordance with the approved and published standard of the State Department; provided, that the maximum Aid to be granted each department shall be the amount actually expended not to exceed One Hundred Dollars (\$100) for each department per year. It is expressly understood that the provisions and limitations of this Section shall not apply to Vocational Education and Crippled Children.

Sec. 14. All expenditures for costs of administering the various funds named in this Act shall be paid out of the moneys appropriated in this Act and such expenditures shall not exceed the amounts authorized by the general appropriation bill.

It is herein specifically provided that Four Million Two Hundred Eighty Thousand Dollars (\$4,280,000) of the moneys heretofore appropriated in Section 1 of this Act is hereby specifically allocated for the purpose of Rural Aid to be administered under the provisions of this Act; Five Hundred and Seventy Thousand Dollars (\$570,000) of said moneys is hereby allocated for Industrial Aid and to match Federal Funds for Vocational Agriculture, Home Economics, Trades and Industries and General Rehabilitation according to the Federal laws governing Vocational Education; One Hundred and Fifty Thousand Dollars (\$150,000) of said moneys is hereby allocated to support the State's Rehabilitation program for Crippled Children, each of the above named allocations being for each year of the biennium.

Provided that the Department of Vocational Rehabilitation is hereby authorized to receive donations and gifts and place same in the State Treasury of Texas in a special funds to be used under the provisions of the Vocational Rehabilitation Act.

Sec. 15. (Powers of State Board of Education and of State Superintendent of Public Instruction) It shall be the duty of the State Board of Education and it is hereby authorized to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act, and for the best interest of the

schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public Instruction to appoint the number of inspectors hereinafter authorized to make a thorough investigation, in person of the grounds, buildings, equipment, teaching staff, and financial condition of each school applying for Aid; and no Aid shall be given unless it can be shown that all provisions of this Act have been complied with, and that such amount of Aid is actually needed. Provided, however, that no regulation of the State Superintendent or the State Board of Education shall conflict with any provision of this bill or any present Statute. Provided further that the State Superintendent of Public Instruction shall appoint not to exceed twenty-four supervisors, four stenographers, one director of Rural Aid, one Secretary of Rural Aid, and one Director relating to High School Supervision. The twenty-four supervisors appointed hereunder shall reside in their respective supervisory districts. The salaries and traveling expense of all such appointees as provided for above in this Section shall be paid for out of moneys herein appropriated.

The personnel for administration of Vocational Education and Crippled Children shall be appointed by the State Superintendent of Public Instruction. The personnel shall consist of the following:

1 State Director of Vocational Agriculture.

1 State Supervisor of Vocational Agriculture.

1 Assistant Supervisor of Vocational Agriculture.

4 District Supervisors of Vocational Agriculture.

1 State Director of Trades and Industries and Chairman of Division.

1 State Supervisor of Trades and Industries.

4 District Supervisors of Trades and Industries.

1 State Director of Home Economics.

1 State Supervisor of Home Economics.

4 District Supervisors of Home Economics.

3 Stenographers of Vocational Agriculture and Trades and Industries and Home Economics Division.

Extra stenographic help for Voca-

tional Agriculture, Trades and Industries, and Home Economics Division.

1 Director of Vocational Rehabilitation.

2 Supervisors of Rehabilitation.

2 Supervisors for Crippled Children.

2 Stenographers.

1 Secretary.

1. Chief Clerk.

1 Janitor for Vocational Agriculture, Trades and Industries, and Home Economics Division.

The salaries and travel and other expenses of these appointees as provided for above in this Section shall be paid for out of moneys herein appropriated for Vocational Education, Rehabilitation, Crippled Children, respectively, and in amount as passed by the Departmental Appropriation bill for the biennium ending August 31, 1937.

Sec. 16. (Application for Aid) The trustees of the schools authorized in Section 2, of this Act, may send to the State Superintendent, on forms provided by the State Department of Education, a list of the teachers employed in the school, showing the monthly salary, experience and training of each, together with an itemized statement of expected receipts and expenditures, the length of term, and such other information as may be required, and the State Superintendent with the approval of the State Board of Education, may then grant to the school such an amount of this fund as will, with the State and county available funds, together with the local funds, maintain the school for a term not to exceed nine (9) months and approximately eight (8) months; provided, that if the school has sufficient State and county available funds to maintain the school for an eight (8) months term according to the salary schedule adopted by the State Board of Education, or with its local maintenance tax, to maintain the desired length of term, not to exceed nine (9) months, as provided in Section 2, it shall not be eligible to receive Aid; provided further, that the county superintendent shall approve all contracts with teachers, supervising officers, and bus drivers in all schools before such schools may be eligible to receive Aid under any provisions of this Act. Provided also that all Aid granted out of the

funds herein provided shall be allotted only on the basis of need, based upon a proper budgeting of each district asking for any form of Aid.

Sec. 17. (Counties with less than one thousand, four hundred (1,400) scholastics) It is hereby provided that schools in sparsely settled counties having less than one thousand four hundred (1,400) scholastic population in the common school districts, may be exempt from the minimum restriction of twenty (20) scholastics; provided, that each district applying for Aid is levying and collecting the limit of local support as provided in Section 6, of this Act. Provided the State Department of Education may grant Aid to schools in sparsely settled districts without regard to the number of scholastics or the duration of the term of each school.

Sec. 18. (Transfer of Entire District) On the agreement of the board of trustees of the districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the county superintendent and State Superintendent, the trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of grades thereof, to a convenient school of higher rank, and in such event, all of the funds of the district, including the State Aid to which the district would otherwise be entitled under the provisions of this Act, or such proportionate part thereof as may be necessary, may be used in carrying out said agreement.

Sec. 19. (Disbursement) Warrants for all money granted under the provisions of this Act shall be transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which Aid is granted in the same manner as warrants for State Apportionments are now transmitted and it shall be the duty of all treasurers of depositories to make annually itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act.

Sec. 20. In counties which constitute a single school district and in which there is no governing body designated as the county school

board, the duties authorized by this Act to be performed by the county school board are hereby conferred upon the existing governing bodies of such districts, and all Aid shall be granted on the basis of need after proper budgeting.

Sec. 21. (Miscellaneous Provisions) Rural schools accepting the provisions of this Act shall be entitled to share in the distribution of State and County Available School Funds and in all other school funds in the same manner as all other school districts; and in case high school grades are maintained, the community shall still be entitled to participate in the distribution of any Aid they may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State; provided however, that no school or school district shall be denied Aid for failure or refusal to buy any books, equipment, charts, and/or school supplies offered by any person, firm, or corporation unless the minutes of the State Board of Education of Texas show that said books, equipment, charts, and/or supplies were approved by a majority vote of said State Board of Education.

Teachers employed in state aid schools shall be required to have a minimum of two years of college training or the equivalent thereof, and shall be required to have a Texas State Teachers' Certificate of no lower standing than a six-year elementary or a four-year high school grade, provided that those teachers now employed in state schools not measuring up to this standard may continue their work in said aid school, if they will secure credits in some college or university whose credits are recognized by the University of Texas at the rate of six semester hours every two years from the effective date of this Act. Provided, however, that any teacher who has taught school in the public schools of this state for as many as fifteen years, shall be exempt from the provisions of this section.

Sec. 22. It shall be the duty of the State Board of Education and the State Superintendent of Public Instruction to pay by warrant not more than fifty (50) per cent of the total amount allotted to any one school as an initial payment, and that the

remaining payments shall be made on a percentage basis to the schools in such manner and amounts that the total expenditures for any one year shall not exceed the total appropriation for that year.

The State Board of Education and the State Superintendent of Public Instruction are hereby prohibited from paying any one or more schools its or their allotment in an amount greater, on a percentage basis, than is paid any other school. This provision shall apply to all allotments and claims and/or appropriations provided for in this measure.

It is specifically provided herein that the State Board of Education and the State Superintendent of Public Instruction shall not pledge the State nor incur obligations against the Rural Aid Fund in any amount or in any one year in excess of the amount herein appropriated, and it is the sense of the Legislature that the amounts herein appropriated shall be in full of all amounts to be spent for the purposes contemplated by this Act for the period covered by this Act.

Sec. 23. It shall be unlawful for any county school superintendent or the superintendent of any common or independent school district, school teacher, county trustee and/or district trustees or any other person directly to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expenses of any person or persons to maintain a lobby for any purpose. Violation of this provision shall forfeit the right or rights of the county or any school district in the county from participating in the funds herein appropriated.

Provided further that no financial Aid shall ever be withheld from any school entitled to such Aid under the provisions of this bill by virtue of an alleged deficiency in the certificates held by the teaching personnel of any such school on account of and/or by virtue of any regulation of the State Superintendent of Public Instruction, the Department of Education, and/or the Board of Education, unless such rule or regulation is expressly provided by the Statutes of this State.

Provided that the tax provisions and other inhibition provided in said bill shall not apply to the school

where the Alabama Indians attend school in Polk County, Texas.

Sec. 24. (Repealing and Constitutional Clauses) All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is unconstitutional or invalid the remainder of this Act shall, nevertheless, remain in effect.

Sec. 25. (Emergency Clause) The fact that many schools are in need of additional Aid other than State per capita apportionment and local maintenance, and that public policy requires that proper provision be made for the maintenance and support of the schools with as little delay as possible, and the further fact that considerable time is required in preparation for carrying out the terms of this Act, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Senator Duggan, the conference committee report on H. B. No. 327 was adopted by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbeil.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

House Bill No. 71.

Senator Poage sent up the following conference committee report:

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of the Senate,

Hon. Coke R. Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the difference between the two Houses on H. B. No. 71, have had the same under consideration, and we recommend that said bill be passed in the form as attached hereto.

Respectfully submitted,

POAGE,
RAWLINGS,
HOPKINS,
MARTIN,
PACE,

On the part of the Senate.

DUNAGAN,
HARRIS of Dallas,
COOPER,
POPE,
WALKER.

On the part of the House.

A BILL

To Be Entitled

An Act defining certain terms; providing for licensing of operators and chauffeurs; providing for certain exemptions; prohibiting issuance of licenses to certain persons; providing for instruction permits; making provision for non-resident drivers; providing what persons shall be licensed; providing for application for operator's and Chauffeur's license; providing for signing of application of minors providing for examination of applicants; providing for designation of local officers; providing for registering of operators and chauffeurs; providing for the issuance of duplicate licenses and badges; providing for the signing and carrying of licenses; providing for time of expiration of licenses; providing for fees and disposition of same; providing for the transfer of all balances now in the State Treasury which were collected under Article 6687, Revised Civil Statutes, 1925, to the Operator's and Chauffeur's License Fund; providing for forms for accident statistics and reports; providing for failure to make such reports a misdemeanor; providing for the suspension or revocation of licenses; making it unlawful for certain persons to act as chauffeurs or operators and to drive school busses; providing for courts to report record of con-

victions; providing for mandatory suspension or revocation of licenses and fixing the period of same; providing for hearing for persons denied the right to drive a motor vehicle; providing for surrender and return of license or badge; making it unlawful to commit certain acts with reference to securing and/or using licenses or to violate certain provisions; providing a penalty for violation of this Act; imposing a fine and jail sentence for driving while license suspended; repealing all laws and parts of laws in conflict herewith, and particularly Article 6687, Revised Civil Statutes, 1925; providing a saving clause; providing for the effective date of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Definitions: The following words and phrases when used in this Act shall for the purpose of this Act have the meanings respectively ascribed to them in this section except in those instances where the context indicates a different meaning:

(a) "Vehicle": Every, self-propelled device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively on stationary rails or tracks.

(b) "Motor Vehicle": Every vehicle as herein defined, which is self-propelled.

(c) "Farm Tractor": Every motor vehicle designed and used primarily as a farm implement for drawing plows, sowing machines and other implements of husbandry.

(d) "Implements of Husbandry": The words "implements of husbandry" shall mean farm implements, machinery and tools as used in tilling the soil, namely: cultivators, farm tractors, reapers, binders, tractors, combines, or mowing machinery, but shall not include any automobile or truck.

(e) "Person": Every natural person, firm, co-partnership, association, corporation, or person, jointly and severally, who are members of any firm, co-partnership, association or corporation, or persons.

(f) "Operator": Every person,

other than a chauffeur who is in actual physical control of a motor vehicle upon a highway.

(g) "Chauffeur": Every person who is employed for the principal purpose of operating a motor vehicle; and every person who drives a motor vehicle while in use for hire.

(h) "Non-resident": Every person who is not a resident of this State.

(i) "Highway": Any road, street, way, thoroughfare or bridge in this State, not privately owned or controlled, for the use of vehicles over which the State has legislative jurisdiction under its police power.

(j) "Department": The Department of Public Safety of the State of Texas acting directly or through its duly authorized officers or agents.

Sec. 2. Operators and Chauffeurs Must Be Licensed:

No person except those expressly exempt under this Act shall drive any motor vehicle upon a highway in this State unless such person upon application has been licensed as an operator or chauffeur by the Department under the provisions of this Act.

Sec. 3. What Persons are Exempt from License:

(a) No person shall be required to obtain an operator's or chauffeur's license for the purpose of driving or operating a road roller, road machinery or any farm tractor, implement of husbandry, farm wagon, farm trailer or other non-motor propelled vehicle or carriage temporarily drawn, moved or propelled on the highways.

(b) Every person in the service of the United States and when furnished with a driver's permit and when operating an official motor vehicle in such service shall be exempt from license under this Act.

(c) Drivers of commercial motor vehicles operating under the jurisdiction of the Railroad Commission of Texas who are required to have a driver's license issued by that Department, shall not be required to secure a chauffeur's or operator's license under the terms of this Act for the operation of such vehicles, and such persons shall not be amenable to the other provisions of this law incident to the issuance, renewal and cancellation of chauffeurs' or operators' licenses, respectively.

(d) A non-resident over the age of sixteen (16) years who has been duly licensed either as an operator or chauffeur under a law requiring the licensing of operators of chauffeurs in his home state or county and who has in his immediate possession either a valid operator's or chauffeur's license issued to him in his home State or country shall be permitted without examination or license under this Act to drive a motor vehicle upon the highway of this State.

(e) A non-resident over the age of sixteen (16) years whose home state or county does not require the licensing of operators may operate a motor vehicle as an operator only, when temporarily in this State for a period of time not exceeding 90 days, and the Department, through its agents, on request of such non-resident shall issue without charge, courtesy non-resident drivers license for such period of time as such non-resident may request, not exceeding 90 days. The Department shall make suitable forms and prescribe reasonable regulations for the issuance of such non-resident licenses.

(f) Any non-resident or other person whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in this act shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction, or otherwise operate a motor vehicle in this State during the period of such revocation. Any person operating a motor vehicle in violation of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 22 of this Act.

Sec. 4. What Persons Shall Not Be Licensed:

(a) An operator's license shall not be issued to any person under the age of fourteen (14) years and no chauffeur's license shall be issued to any person under the age of eighteen (18) years; provided, that the County Judge of the county wherein such person resides after investigation may authorize the Department to issue a special permit or license to any such person when in his opinion the person so applying is qualified and conditions exist

which makes it necessary for such person to drive or operate a motor vehicle upon a highway.

(b) Neither an operator's or chauffeur's license shall be issued to any person whose license, either as operator or chauffeur, has been suspended during the period for which such license was suspended; nor to any person whose license, either as operator or chauffeur, has been revoked under provision of this Act until the expiration of such revocation as provided in Section 18.

(c) Neither an operator's or chauffeur's license shall be issued to any person who is an habitual drunkard or is addicted to the use of narcotic drugs.

(d) Neither an operator's or chauffeur's license shall be knowingly issued to any applicant who has previously, by a court of competent jurisdiction, been adjudged insane or an idiot, imbecile, epileptic, or feeble-minded, and who has not at the time of such application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent.

(e) Neither an operator's or chauffeur's license shall be issued to any person when in the opinion of the Department such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warnings or direction signs in the English language; provided, however, no person shall be refused a license because of any physical defect unless it be shown by common experience that such defect incapacitates him from safely operating a motor vehicle.

Sec. 5. Instruction Permits.

(a) Any person who, except for his lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain an operator's license under this Act, may apply for a temporary instruction permit upon payment of a 25c fee, and the Department shall issue such permit entitling the applicant, while having

such permit in his immediate possession, to drive a motor vehicle upon the highway for a period of thirty (30) days, but except when operating a motorcycle, such person must be accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver.

Sec. 6. Application for Operator's of Chauffeur's License:

(a) Every application for an operator's or chauffeur's license shall be made upon approved form furnished by the Department and shall be verified by a person authorized to administer oaths, and no fee shall be charged by any officer of this State, or any county thereof, except notaries public, for such verification.

(b) Every application shall state the name, age, sex, residence address and such other physical description as may be required of the applicant and whether or not the applicant has heretofore been licensed as an operator or chauffeur and if so when and by what State, and whether or not such license has ever been suspended or revoked, and if so, the date of and reason for such suspension or revocation.

Sec. 7. Application of Minors: The Department shall not grant the application of any minor under the age of eighteen (18) years for an operator's license unless such application is signed by the father of the applicant, if the father is living and has the custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of eighteen (18) years has no father, mother or guardian, the operator's license shall not be issued to the minor unless his application therefor is signed by his employer, or by the county judge of his residence.

Sec. 8. Examination of Applicant:

(a) The Department shall examine every applicant for an operator's or chauffeur's license before issuing any such license, except as otherwise provided in subdivision (b) of this section. The Department shall examine the applicant as to his physical and mental qualifications to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property and as to whether any facts exist which would bar the issuance of a license

under Section 4 of this Act, but such examination shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to operate a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this Act.

(b) The Department shall issue an operator's or chauffeur's license under this Act without examination to every person applying therefor within three (3) months after this section takes effect and who is of sufficient age, as required by Section 4 of this Act, to receive the license applied for and who furnishes evidence satisfactory to the examiner that such applicant can operate a motor vehicle in a satisfactory manner.

Sec. 9. Designation of Local Officers:

(a) In all counties of the State of Texas having a population of 75,000 or less, as may be determined by the last preceding Federal census, the assessor and collector of taxes is hereby designated as an examiner and agent of the Department, with authority to issue any and all license and renewals thereof and to give any examinations required hereunder. In counties having a population of 75,000 or over, as determined by the last preceding Federal census, the Department is hereby authorized to designate or name as an examiner the assessor and collector of taxes, sheriffs, chiefs of police, town marshalls, or any highway patrolman, with full authority to conduct examinations and issue licenses hereunder. In the event a highway patrolman is named as an examiner or inspector for any county, he shall be required to be at the office of the assessor and collector of taxes of said county at all times during office hours in order that the examinations may be conducted and licenses issued thereunder. Where licenses are issued by the assessor and collector of taxes he shall be allowed to retain ten cents for each operator's or chauffeur's license so issued by him, which fee shall be an accountable fee of office, but where such licenses are issued by any other officers, no fee shall be allowed, except as fixed by the Legislature in its biennium ap-

appropriation bill. All examinations shall be made and licenses issued hereunder in the county where the applicant resides.

Sec. 10. Register of Operators and Chauffeurs:

(a) The Department shall issue to every person licensed as an operator an operator's license and to every person licensed as a chauffeur a chauffeur's license as well as an operator's license. Every chauffeur before operating a motor vehicle for hire shall apply for and receive from the Department and at all times while so operating a motor vehicle for hire shall display in plain sight upon the band of his cap, or under the lapel of his outer coat, a chauffeur's badge. All persons licensed as chauffeurs shall be issued by the department an operator's license at no additional cost other than fee charged for chauffeur's license.

(b) Every such license shall bear thereon a distinguishing number assigned to the licensee and shall contain the name, age, residence, address and a brief description of the licensee for the purpose of identification, and also a space for the signature and thumb print of the licensee.

(c) Every chauffeur's badge shall be of metal with a plainly readable distinguishing number assigned to the license stamped thereon.

Sec. 11. Duplicate License Certificates and Chauffeur's Badges:

In the event that an operator's or chauffeur's license or a chauffeur's badge issued under the provisions of this Act shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute thereof upon furnishing proof satisfactory to the Department that such license or badge has been lost or destroyed and upon payment of the fees required under this Act.

Sec. 12. License to Be Signed and Carried:

(a) Every person licensed as a chauffeur or operator shall write his usual signature with pen and ink in the space provided for that purpose on the license certificate issued to him immediately upon receipt of such certificate and such license shall not be valid until the certificate is so signed.

(b) It shall be the duty of each licensee at all times when driving a motor vehicle to make proper show-

ing that he has an operator's license by actual display of such license or by satisfactory identification on demand of any peace officer or agent of the Department. It shall be a defense to any charge under this subsection or subsection (a) of Section 5 that the person so charged produce in court an operator's or chauffeur's license theretofore issued to such person and valid at the time of his arrest.

Sec. 13. Expiration of Licenses, Fees therefor and Disposition of same:

(a) Every operator's license shall expire within three years from date of issuance, and shall be renewed on or before April 1st, 1938, and each three years thereafter, upon payment of the fees required by law, and upon presentation of valid license previously issued under this Act.

(b) Every chauffeur's license issued hereunder shall expire one year from date of issuance and shall be renewed annually upon application and payment of the fees required by law, provided that the Department in its discretion may waive the examination of any such applicant previously licensed as a chauffeur under this Act.

(c) The Department shall provide and furnish suitable forms and blanks for application, registration and license cards or blanks, and all other forms requisite for the purposes of this Act and shall prepay all transportation charges on same to its designated agencies.

(d) Operator's and chauffeur's license fee shall accompany each application made for a license which fee shall be as follows:

Operator's License Fee25c
For each three year term or fraction thereof.

Duplicate Operator's License25c
Chauffeur's License Fee and
Badge\$1.00 annually
Duplicate Chauffeur's License
Fee50c
Duplicate Chauffeur's Badge50c

(e) Said fees shall be paid upon application for operator's or chauffeur's license to the person issuing same. All such fees collected by any

officer or agent of the Department shall be remitted on Monday of each week with duplicate and triplicate copies of such licenses issued, to the Department at Austin, Texas, and all such fees so collected shall be deposited in the State Treasury in a fund to be known as the "Operator's and Chauffeur's License Fund" which shall be kept separate by the State Treasurer. Such officers or agencies shall furnish bond to be approved by the Public Safety Director of the Department payable to the Governor of the State of Texas in such amount as said Director may require, conditioned upon remittances to the Department of all chauffeur's and operator's fees collected. The moneys in the operator's and Chauffeur's License Fund, or as much thereof as may be necessary, shall be used by the Department to defray the expenses of administering this Act as may be provided by the Legislature in the biennium departmental appropriation bill, it being the intention of the Legislature to provide in said bill an itemized budget of all expenditures out of said fund.

(f) At the end of every fiscal year, the Department shall submit a comprehensive and complete report of the receipts and expenses of this Act to the Governor of the State of Texas.

(g) Any chauffeur or operator now licensed under and by virtue of Article 6687 of the Revised Civil Statutes of Texas, 1925, who qualifies for a chauffeur's license under the requirements of this Act shall be issued an annual chauffeur's license by the Department without charge, within thirty (30) days after this Act takes effect. All moneys that have been collected and deposited in the State Treasury to the credit of the Highway Department received on account of the issuance of chauffeur's licenses for the year 1935 shall be transferred by the State Treasurer to the "Operator's and Chauffeur's License Fund" in the State Treasury, said Fund being provided in Section 13, subsection (e) hereof, to help defray the initial expense of the administration of this Act.

Sec. 14. Accident Statistics and Reports:

(a) The Department shall prepare and shall supply to police and sheriff's offices and other suitable

agencies, forms for accident reports, and such reports shall be made within a reasonable time from the date of such accident by such officers or agencies to the Department at Austin, Texas, sufficiently detailing all the facts with reference to any highway accident, and the persons and vehicles involved.

(b) The Department shall receive accident reports required to be made by law and shall tabulate and analyze such reports and publish annually or at more frequent intervals, statistical information based thereon as to the number, cause and location of highway accidents; and the Department shall biennially report to the Governor and the Legislature the abstract of such reports for the preceding biennium, with its conclusions and findings and recommendations for decreasing highway accidents and increasing safety upon the highways of Texas.

(c) Every hospital or ambulance operator shall make a report to the Department with respect to any injury or death to any person found to have been the result of a motor vehicle accident, when the services of such hospital or ambulance operator are utilized.

(d) Any person hereinabove required to make any report who shall knowingly fail to do so on demand of the Department shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in Section 22 of this Act.

Sec. 15. It shall be unlawful for any person to act as an operator or chauffeur who is an habitual drunkard or is addicted to the use of narcotic drugs, or who has been adjudged insane or an idiot, imbecile, epileptic, or feeble-minded, and who has not been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent, and any finding by any court of competent jurisdiction that any person holding an operator's license or chauffeur's license is either insane, feeble-minded, an habitual drunkard, an epileptic, an imbecile, idiot, or addicted to the use of narcotics, shall carry with it a revocation of such operator's and/or chauffeur's license, and it shall be the duty of the clerk of any court in which such findings is made, to cer-

tify same to the Department within ten (10) days.

Sec. 16. It shall be unlawful for any person who is under the age of twenty-one (21) years to drive a motor vehicle while in use as a school bus for the transportation of pupils to and from school or for any person who is under the age of eighteen (18) years to drive a motor vehicle while in use for hire as a public or common carrier of persons or property.

Sec. 17. The clerk of every court and all justices of the peace having jurisdiction over offenses committed under any law of this State regulating the operation of motor vehicles on the highways shall forward to the Department at Austin, Texas, a record of the conviction of any person in said court for a violation of any of said laws, within twenty (20) days from the date of such conviction.

Sec. 18. Mandatory Suspension or Revocation of License:

(a) The license of any person shall be automatically suspended or revoked upon final conviction of any of the following offenses:

First: Negligent homicide resulting from the operation of a motor vehicle.

Second: Driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs.

Third: Any offense punishable as a felony under the motor vehicles laws of this State.

Fourth: Upon three convictions of violating any of the provisions of Article 801 of the Penal Code of Texas, or Section 10 of Chapter 42 of the General Laws of the Second Called Session of the Forty-first Legislature of Texas, committed within a period of twelve (12) consecutive months.

Fifth: A conviction of a driver of a motor vehicle involved in an accident or collision, upon a charge of failure to stop, render aid, and disclose his identity at the scene of said accident or collision.

Sixth: Conviction upon two separate charges of aggravated assault upon a person by means of a motor vehicle, as provided by law.

(b) The revocation or suspension above provided shall in the first instance be for a period not exceeding one year, within the discretion of the Department. In event any license

shall be revoked or suspended under the provisions of this Section for a second time, said second revocation or suspension shall likewise be for a period of not exceeding one additional year.

(c) The revocation or suspension of any license shall be automatically extended upon licensee being convicted of operating a motor vehicle while the license of such person is suspended or revoked; such extended period of revocation or suspension to be for a like period as the original revocation or suspension.

Sec. 19. Any person denied a right to drive a motor vehicle on the highways of this State shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the county court at law in the county wherein such person shall reside, or if there be no county court at law therein, then in the county court of said county, and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon ten (10) days written notice to the Department, and thereupon to take testimony and examine into the facts of the case, and to determine whether the petitioner is entitled to the right to drive a motor vehicle on the highways of this State under the provisions of this Act.

Sec. 20. Surrender and Return of License and Badge:

Upon suspension or revocation of an operator's or chauffeur's license, the Department shall require that such license be surrendered to and retained by the Department, and the badge of any chauffeur whose license is suspended or revoked shall also be surrendered to the Department, provided at the end of a period of suspension such license and badge be returned to the licensee.

Sec. 21. Violation of License Provisions:

It shall be unlawful for any person to commit any of the following acts:

First: To display or cause or permit to be displayed or to have in possession any operator's or chauffeur's license knowing the same to be fictitious or to have been cancelled, revoked, suspended, or altered.

Second: To lend or to knowingly permit the use of, by one not entitled thereto, any operator's or chauffeur's license issued to the per-

son so lending or permitting the use thereof.

Third: To display or to represent as one's own any operator's or Chauffeur's license not issued to the person so displaying same.

Fourth: To fail or refuse to surrender to the Department on demand any operator's or chauffeur's license which has been suspended, cancelled or revoked as provided by law.

Fifth: To use a false or fictitious name or give a false or fictitious address in any application for an operator's or chauffeur's license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

Sec. 22. Penalty for violation of Act:

(a) It shall be a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other laws of this State declared to be a felony.

(b) Unless another penalty is in this Act or by the laws of this State provided, every person convicted or a misdemeanor for the violation of any provision of this Act shall be punished by a fine of not more than Two Hundred Dollars (\$200.00).

Sec. 23. Penalty for Driving while License Suspended or Revoked:

Any person convicted for driving a motor vehicle while his license is suspended or revoked shall be punished by imprisonment in the county jail for a period of not less than two (2) days, or not more than six (6) months, and there may be imposed in addition thereto a fine of not more than Five Hundred (\$500) Dollars.

Sec. 24. All laws or parts of laws in conflict herewith are hereby expressly repealed, and more particularly Article 6687 of Revised Civil Statutes of Texas.

Sec. 25. Constitutionality: If any part or parts of this Act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 26. Short Title. This Act

may be cited as the Texas Driver's License Law.

Sec. 27. This Act shall take effect and be in force from and after the first day of October, A. D. 1935.

Sec. 28. Emergency Clause: The fact that Texas now has no adequate law providing for the licensing of operators and chauffeurs and that such Act must be immediately passed in order that steps may be taken to put it in force on the date fixed in said Act for its becoming effective, create an emergency and an imperative public necessity requiring that the constitutional rule providing that bills be read on three separate days be suspended and the same is hereby suspended, and it is so enacted.

On motion of Senator Poage, the conference committee report on H. B. No. 71 was adopted by the following vote:

Yeas—21.

Beck.	Pace.
Blackert.	Poage.
Collie.	Rawlings.
Cotten.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Isbell.	Stone.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—6.

Burns.	Hill.
Davis.	Redditt.
DeBerry.	Van Zandt.

Absent.

Hopkins.	Sulak.
Martin.	

Absent—Excused.

Fellbaum.

S. J. R. No. 26.

Senator Burns sent up the following conference committee report:

Committee Room,
Austin, Texas, May 9, 1935.
Hon. Walter F. Woodul, President of
the Senate.
Hon. Coke R. Stevenson, Speaker of
the House of Representatives.
Sirs: We, your Conference Com-

mittee, to whom was referred S. J. R. No. 26, have had the same under consideration, and we recommend to the House of Representatives and to the Senate that said resolution pass in the form attached hereto.

Respectfully submitted,

BURNS,
BLACKERT,
ONEAL,
DeBERRY,
COTTEN,

On the part of the Senate.

JONES of Atascosa,
STOVALL,
ALEXANDER,
CAGLE,
GRAY,

On the part of the House.

C. S., S. J. R. No. 26.

A Joint Resolution.

Proposing an amendment to Section 11 of Article IV of the Constitution of the State of Texas, so as to provide for a Board of Pardons and Paroles, composed of three members, whose terms of office shall be for a period of six years, one to be appointed by the Governor, one by the Chief Justice of the Supreme Court of the State of Texas, and one by the presiding Justice of the Court of Criminal Appeals, such appointments to be with the advice and consent of two-thirds of the Senate present; and so as to provide that the Governor of the State shall have the power on the recommendation and advice of the majority of the Board of Pardons and Paroles to grant reprieves, commutations of punishment and pardons and to remit fines and forfeitures, and, with the advice and consent of the Legislature, to grant reprieves, commutations of punishment and pardons in cases of treason; and to provide that the Governor shall have power to grant one reprieve in any capital case not to exceed thirty (30) days; and shall have the power to revoke paroles and conditional pardons; and to provide that the Legislature shall have authority to regulate procedure before the Board and to enact parole laws; and to provide for an election for such proposed constitutional amendment, and to make an appropriation therefor.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 11 of of Article IV of the Constitution of the State of Texas be amended so as hereafter to read as follows:

"Sec. 11. There is hereby created a Board of Pardons and Paroles, to be composed of three members, who shall have been resident citizens of the State of Texas for a period of not less than two years immediately preceding such appointment, each of whom shall hold office for a term of six years; provided that of the members of the first board appointed, one shall serve for two years, one for four years and one for six years from the first day of February, 1937, and they shall cast lots for their respective terms. One member of said Board shall be appointed by the Governor, one member by the Chief Justice of the Supreme Court of the State of Texas, and one member by the presiding Justice of the Court of Criminal Appeals; the appointments of all members of said Board shall be made with the advice and consent of two-thirds of the Senate present. Each vacancy shall be filled by the respective appointing power that theretofore made the appointment to such position and the appointive powers shall have the authority to make recess appointments until the convening of the Senate.

In all criminal cases, except treason and impeachment, the Governor shall have power, after conviction, on the written signed recommendation and advice of the Board of Pardons and Paroles, or a majority thereof, to grant reprieves and commutations of punishment and pardons; and under such rules as the Legislature may prescribe, and upon the written recommendation and advice of a majority of the Board of Pardons and Paroles, he shall have the power to remit fines and forfeitures. The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed thirty (30) days; and he shall have the power to revoke paroles and conditional pardons. With the advice and consent of the Legislature, he may grant reprieves, commutations of punishment and pardons in cases of treason.

The Legislature shall have power to regulate procedure before the

Board of Pardons and Paroles and shall require it to keep record of its actions and the reasons therefor, and shall have authority to enact parole laws."

Sec. 2. The foregoing constitutional amendment shall be submitted to the electors of this State who are qualified to vote on proposed constitutional amendments at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1936, at which election each ballot shall have printed thereon the words:

"For the amendment of Section 11 of Article IV of the Constitution of the State of Texas, so as to provide for a Board of Pardons and Paroles, and to make the Governor's pardoning power subject to recommendation of said Board, except in cases of treason the Governor may grant reprieves, commutations and pardons with the advice and consent of the Legislature.

"Against the amendment of Section 11 of Article IV of the Constitution of the State of Texas, so as to provide for a Board of Pardons and Paroles, and to make the Governor's pardoning power subject to recommendation of said Board, except in cases of treason the Governor may grant reprieves, commutations and pardons with the advice and consent of the Legislature."

Each voter shall strike out with pen or pencil the clause which does not indicate his desire regarding the above proposed amendment.

Sec. 3. The Governor is hereby directed to issue the necessary proclamation for said election, and to have the above proposed amendment published in the manner and for the time required by the Constitution and laws of this State.

Sec. 4. The sum of Five Thousand (\$5,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated to pay the expenses of such publication and election.

Senator Burns moved the adoption of the Conference Committee report on S. J. R. No. 26.

The motion failed by the following vote:

Yeas—19.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Redditt.
Cotten.	Regan.
DeBerry.	Shivers.
Duggan.	Small.
Hill.	Van Zandt.
Hornsby.	Westerfeld.
Neal.	

Nays—8.

Davis.	Sanderford.
Hopkins.	Stone.
Martin.	Sulak.
Moore.	Woodruff.

Present—Not Voting.

Isbell.	Rawlings.
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Absent.

Holbrook.

Absent—Excused.

Fellbaum.

H. C. R. No. 139.

The Chair laid before the Senate: H. C. R. No. 139, Suspending the Joint Rule No. 23 for the purpose of allowing the House to take up and consider until final disposition H. B. No. 988.

Senator Sanderford asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 139 be taken up and considered at this time.

Unanimous consent was granted. H. C. R. No. 139 was adopted by viva voce vote.

House Bill No. 777.

Senator Redditt received unanimous consent to suspend the regular order of business and take up H. B. No. 777.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Good:

H. B. No. 777, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment

of said miscellaneous claims on the taking effect of this Act, and declaring an emergency."

(With committee amendments.)

Senator Davis sent up the following amendment:

Amendment No. 1.

- (1). Claim of Austin Bridge Company for an overpayment of Franchise tax to the Secretary of State\$ 50.40
- (2). Claim of Texas, Missouri and Kentucky Oil Company, the amount collected on tax sales in excess of the amount of taxes due, said excess having been paid to the State Comptroller 783.95
- (3). Claim of Mrs. Fannie Blake, the same being deficiency warrant No. 15006 issued by the Comptroller on July 31, 1934, said warrant being payable to C. Lundgren 103.60
- (4). Claim of Atlantic Life Insurance Company for excess taxes paid to the State of Texas 2,850.66
- (5). Claim of Kilgore Daily News for publications in said Daily News for Texas Railroad Commission, the total amount of said claim being \$478.74 and only \$159.55 having been paid, leaving a balance due the Kilgore Daily News 319.19

DAVIS.

Read and adopted.

Amendment No. 2.

Amend H. B. No. 777 by inserting the following:

"To pay J. C. Penney Company refund filing fee \$3,000.00."

PACE.

Read and adopted.

Votes Recorded.

Senators Westerfeld and Collie asked to be recorded as voting "no" on the amendment by Senator Pace.

Amendment No. 3.

Amend H. B. No. 777 by adding: "To pay Wenich Vending Co, Waco, Texas, for over paying of pending tax, \$153.40."

POAGE.

Read and adopted.

Amendment No. 4.

Amend H. B. No. 777 by adding the following to-wit:

"To pay Nat Patton \$125.00 for Comptroller deficiency certificate No. 1367."

BURNS.

Read and adopted.

Amendment No. 5.

Add to claim bill to pay judgment in case T. M. & K. vs. State, \$783.95.

MOORE.

Read and adopted.

To pay J. Y. Hazlett of Houston County, Texas, for returning "Baby Face" Joiner to Texas, \$500.00

BURNS.

Read and adopted.

Amend claim of A. D. Rawlitt, \$112.00 for refund overpayment automobile license fees, \$112.00.

WESTERFELD.

Read and adopted.

Amend H. B. No. 777 to pay Milton F. Malhusen of Gregg County, Five Hundred Dollars as constitutional salary for 1934 as district attorney of Gregg County.

HILL.

Read and adopted.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time, as amended, and passed to third reading.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 777 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Amend S. B. No. 777 by adding the following:

"To pay claim of Mrs. John Deisher, of Colorado, Texas, for injuries received while employed in relief work, \$750.00."

COLLIE.

Read.

The amendment by Senator Collie failed of adoption by the following vote:

Yeas—12.

Burns.	Neal.
Collie.	Poage.
Davis.	Regan.
Duggan.	Sanderford.
Hornsby.	Westerfeld.
Moore.	Woodruff.

Nays—12.

Beck.	Isbell.
Blackert.	Oneal.
Cotten.	Pace.
DeBerry.	Redditt.
Hill.	Shivers.
Holbrook.	Stone.

Present—Not Voting.

Rawlings. Sulak.

Absent.

Hopkins.	Small.
Martin.	Van Zandt.

Absent—Excused.

Fellbaum.

Motion to Reconsider.

Senator Woodruff moved to re-

56—Jour.

consider the vote by which H. B. No. 777 was passed to third reading. The motion prevailed by viva voce vote.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 777, by adding: "To pay M. H. Reed and W. T. Caswell refund of court costs in State vs. Bradford, et al., \$22,-028.82."

WOODRUFF.

Read.

Motion to Table.

Senator Beck moved to table the amendment by Senator Woodruff.

The amendment was tabled by viva voce vote.

H. B. No. 777 passed to third reading by viva voce vote.

H. B. No. 777 was finally passed by viva voce vote.

Vote Recorded.

Senator DeBerry asked to be recorded as voting "no" on final passage of H. B. No. 777.

H. C. R. No. 163.

The Chair laid before the Senate: By Mr. Steward.

H. C. R. No. 163, Instructing the Enrolling Clerk of the House to amend the caption of H. B. No. 963 to conform to the body of the bill.

Senator Cotten asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 163 be taken up and considered at this time.

Unanimous consent was granted.

H. C. R. No. 163 was adopted by viva voce vote.

House Bill No. 736.

The question recurred on the amendment by Senator Hill.

Motion to Table.

Senator Moore moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—17.

Blackert.	Holbrook.
Burns.	Hopkins.
Davis.	Hornsby.

Martin.	Sanderford.
Moore.	Shivers.
Neal.	Stone.
Oneal.	Sulak.
Rawlings.	Van Zandt.
Regan.	

Nays—10.

Beck.	Isbell.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Redditt.
Hill.	Woodruff.

Absent.

Duggan.	Westerfeld.
Small.	

Absent—Excused.

Fellbaum.

Privileged Motion.

Senate Bill No. 181.

Senator Hornsby moved that the Senate do concur in House amendments to S. B. No. 181.

The motion prevailed by the following vote:

Yeas—18.

Beck.	Moore.
Blackert.	Neal.
Cotten.	Oneal.
Davis.	Poage.
Duggan.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Van Zandt.

Nays—9.

Purns.	Rawlings.
Collie.	Shivers.
DeBerry.	Sulak.
Hill.	Woodruff.
Pace.	

Present—Not Voting.

Isbell.

Absent.

Small.	Westerfeld.
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Absent—Excused.

Fellbaum.

Senate Bill No. 52.

Senator Collie moved that the Sen-

ate do concur in House amendments to S. B. No. 52.

The motion prevailed by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

House Bill No. 736.

Pending business was H. B. No. 736.

Amend H. B. No. 736 by striking out all of lines 9 to 64 on page 7, and lines 1 to 4 on page 8.

SULAK.

Read and pending.

Previous Question.

Senator DeBerry moved that the Senate order the previous question on the amendment and the engrossment of H. B. No. 736.

The motion was seconded.

The previous question was not ordered as shown by the following vote:

Yeas—11.

Beck.	Poage.
Blackert.	Sanderford.
DeBerry.	Sulak.
Duggan.	Van Zandt.
Hill.	Westerfeld.
Oneal.	

Nays—17.

Burns.	Hornsby.
Collie.	Isbell.
Cotten.	Moore.
Davis.	Neal.
Holbrook.	Pace.
Hopkins.	Rawlings.

Redditt.
Regan.
Shivers.

Small.
Stone.

Present—Not Voting.

Woodruff.

Absent.

Martin.

Absent—Excused.

Fellbaum.

H. C. R. No. 153.

The Chair laid before the Senate: H. C. R. No. 153, Suspending Joint Rules Nos. 23, 24 and 32 for the consideration until final disposition of H. B. No. 1003.

Senator Small asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 153 be taken up and considered at this time.

Unanimous consent was granted.
H. C. R. No. 153 was adopted.

Motion to Recess.

Senator Holbrook at 5 o'clock p. m., moved to recess until 8 o'clock p. m.

Motion to recess pending.

S. J. R. No. 26.

Senator Woodruff moved to reconsider the vote by which the conference report on S. J. R. No. 26 failed of adoption on the Journal.

Bills and Resolutions Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 900.	S. B. No. 493.
H. B. No. 579.	S. B. No. 523.
H. B. No. 104.	S. B. No. 153.
H. B. No. 866.	S. B. No. 499.
H. B. No. 968.	S. B. No. 402.
H. B. No. 996.	S. B. No. 509.
H. B. No. 390.	H. B. No. 187.
H. B. No. 164.	H. B. No. 522.
H. B. No. 408.	S. B. No. 42.
H. B. No. 680.	H. C. R. No. 112.
H. B. No. 773.	H. C. R. No. 115.
S. B. No. 143.	H. C. R. No. 117.
S. B. No. 149.	H. C. R. No. 118.
S. B. No. 290.	H. C. R. No. 123.

H. C. R. No. 126. H. J. R. No. 46.
H. C. R. No. 130. S. C. R. No. 60.
H. C. R. No. 131. S. C. R. No. 61.
H. C. R. No. 143. S. C. R. No. 55.
H. C. R. No. 137. S. C. R. No. 34.
H. J. R. No. 23. S. J. R. No. 6.

Recess.

The motion to recess prevailed by viva voce vote.

After Recess.

The Senate met at 8:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Messages From the House.

The Chair recognized the doorkeeper who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, May 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

S. B. No. 504, A bill to be entitled "An Act providing for a rural school supervisor, prescribing qualifications and duties of said rural school supervisor, providing for the payment of the salary of said rural school supervisor, in counties having a population of 21,830 to 22,080 according to the Federal census of 1930, and a scholastic population of not less than 6,200 as shown by the scholastic census report for the school year 1934-35, and declaring an emergency."

(With amendments.)

S. B. No. 529, A bill to be entitled "An Act creating the County Court at Law of Travis County, Texas; defining the jurisdiction of said court; regulating practice therein; prescribing the terms of said court; providing for clerk and seal for said court and prescribing the duties of the sheriff and county attorney in relation to said court, limiting the jurisdiction of the county court of Travis County, and providing for the transfer of cases pending in the county court of Travis County to the said court hereby created, and for appeals from inferior courts to the court

hereby created, and for appeals from said court; creating the office of Judge of the County Court at Law of Travis County; providing for the appointment, election, bond and salary of the judge of said court and prescribing his qualifications; providing for a special judge; providing for the disposition of fees; and declaring an emergency."

H. B. No. 998, A bill to be entitled "An Act amending Title 26 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 66, H. B. No. 122, of the General and Special Laws of the Forty-third Legislature, Second Called Session, page 146; etc., and declaring an emergency."

H. B. No. 1001, A bill to be entitled "An Act to amend Article 2789, Revised Civil Statutes of 1925, as amended by Chapter 32, Acts of the Regular Session of the Forty-third Legislature, by making provision that refunding bonds may be issued as term or as serial bonds, maturing in either case within forty (40) years from date of issue and may be made optional on any interest payment date as the governing board shall direct, and declaring an emergency."

H. B. No. 1003, A bill to be entitled "An Act permitting trustees of independent school districts in certain counties to issue time warrants for the purpose of taking up, refunding, and extending indebtedness incurred for the legal maintenance of schools in said districts up to June 1, 1935; etc., and declaring an emergency."

S. B. No. 479, A bill to be entitled "An Act to create a conservation and reclamation district to be known as New Braunfels-Gulf Water Supply District, consisting of that part of the State included within the Counties of Comal, Guadalupe, Wilson, Karnes, Bee, San Patricio and Nueces, for fresh water supply purposes, including the power and authority to furnish a water supply to towns, cities, private corporations and individuals; declaring such district to be a governmental agency and body politic and corporate under Section 59, of Article 16, Constitution; providing for its management and control by a board of seven directors; and declaring an emergency."

(With amendments.)

S. C. R. No. 62, Suspending all

Joint Rules of the House and Senate for the consideration until final disposition thereof S. B. No. 107.

The House has refused to concur in Senate amendments to H. B. No. 777, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Good, McFarland, Smith, Mauritz, and Herzik.

The House has passed the following bill:

S. B. No. 435, A bill to be entitled "An Act to amend the law controlling Water Control and Improvement Districts, as embraced in Sections 33 and 45 of Chapter 25 of the General Laws enacted by the 39th Legislature of Texas, at its Regular Session; and, Section 3 of Chapter 280 of the General Laws enacted by the 41st Legislature, at its Regular Session, in the following respects, i.e.; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Resolution No. 57.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Oneal:

Be it resolved by the Senate of Texas:

First: That there is hereby established a standing committee of this Senate, to be known as the Committee on Interstate Cooperation, to be composed of five members.

Second: That the members of the present session shall be forthwith appointed by the President of the Senate. This committee shall devote its attention primarily to the improvement of relationships of the Government of this State with the governments of the forty-seven other states, and more especially with the governments of neighboring states. This committee shall also give attention to the more effective cooperation of the Government of this State with the Federal Government.

Third: That this committee shall also constitute the Council of the American Legislators' Association for this Senate.

Fourth: That the passage of this

resolution shall constitute an amendment of the rules of this Senate.

Read and adopted unanimously.

House Bill No. 70.

Senator Pace received unanimous consent to suspend the regular order of business and take up H. B. No. 70.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Dunagan:

H. B. No. 70, A bill to be entitled "An Act amending Article 2956 by adding thereto another section, Article 2956a, providing that persons who are feeble, ill and confined in bed or confined to their places of abode by reason of illness, may vote as absentees, may vote under Article 2956; providing that persons who are ill, aged or decrepit, and who are unable to walk to the polls, may be driven in any vehicle, wheel chair or other conveyance to such voting place, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 70 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Fellbaum.

Read third time and finally passed by viva voce vote.

House Bill No. 906.

Senator Beck received unanimous consent to suspend the regular order of business and take up H. B. No. 906.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Beck:

H. B. No. 906, A bill to be entitled "An Act authorizing F. J. Aikin, J. F. Rochelle, and the Texarkana National Bank, a corporation, to sue the State of Texas to recover the amount due, or that may be found to be due, upon Comptroller's Deficiency Certificate No. 2417, for the sum of \$264, issued to J. F. Aikin of date August 28, 1930, fixing the venue of such suit, providing for the issuance of service of process therein, and declaring an emergency."

Amend H. B. No. 906: Strike out word "Bowie" and insert "Travis," before "County," line 41.

Add period after "Texas" and strike out all of the paragraph after word "Texas," line 41, printed bill.

Strike out Section 3.

BECK.

Read and adopted.

Amend H. B. No. 906, by inserting after the word "Texas," in line 32, page 1, of the printed bill, the following:

"and J. R. Telford of Bowie County, Texas."

BECK.

Read and adopted.

Amend H. B. No. 906, by inserting at the end of Section 1, the following:

"And to bring suit against the State of Texas, to recover the sum of twenty-four hundred four dollars and thirty-five cents (\$2,404.35), and any and all such amounts as may be due under and by virtue of Comptroller Deficiency Certificate No. 654, issued to J. D. Baker on March 25, 1929, the said J. R. Telford claiming title or interest therein."

BECK.

Read and adopted.

Amend caption of H. B. No. 906 to conform to the bill.

BECK.

Read and adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time, as amended, and passed to third reading.

On motion to Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 906 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Blackert. Fellbaum.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert. Fellbaum.
DeBerry.

House Bill No. 372.

Senator Poage received unanimous consent to suspend the regular order

of business and take up H. B. No. 372.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hartzog:

H. B. No. 372, A bill to be entitled "An Act to amend Article 4875a-21, Revised Civil Statutes of 1928, to provide for an adequate and efficient method of examining local mutual aid, etc."

Amend H. B. No. 372 by adding a new section following Section 1, to be known as Section 2, to read as follows:

"Sec. 2. That Article 4875a-3 of the Forty-first Legislature, page 563, Chapter 274, Section 3, be and the same is hereby amended so as to hereafter read as follows:

No local mutual aid association shall be permitted to operate in this State except it confine its operations in the writing of business to one county or to a territory embraced within a radius of seventy-five (75) miles of the city or town wherein the home office of such association is located, including all parts of all counties traversed by said radius, or in event where the home office of an association is located within less than thirty (30) miles of the border line of this State, such operations may be extended to and permitted in all of the territory embraced within a radius of one hundred (100) miles of the city or town in which the home office of such association is located and may include all parts of all counties traversed by said radius, and any person, officer or agent of any association writing or soliciting any business in violation of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not more than five hundred (\$500.00) dollars."

POAGE,
HORNSBY.

Read and adopted.

"Amend the caption to conform."

POAGE.

Adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time, as

amended, and passed to third reading.

On motion of Senator Blackert, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 372 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

House Bill No. 699.

Senator Burns received unanimous consent to suspend the regular order and take up H. B. No. 699.

The Chair laid before the Senate on its second reading the following bill:

By Mr. King:

H. B. No. 699, A bill to be entitled "An Act to amend Article 928 of

Chapter 1 of Title 12 of the Code of Criminal Procedure of the State of Texas, 1925, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 699 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—1.

Collie.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

House Bill No. 812.

Senator Cotten received unanimous consent to suspend the regular order and take up H. B. No. 812.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Wells:

H. B. No. 812, A bill to be entitled "An Act relating to the duties of the county board of trustees of public schools of this State in all counties having an area of not more than one thousand and seventy (1,070) square miles and not less than one thousand and sixty (1,060) square miles, and a population of not less than sixty thousand (60,000) and not more than sixty-one thousand (61,000) according to the last Federal census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Cotten, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 812 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis,	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis,	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

House Bill No. 60.

Senator Shivers received unanimous consent to suspend the regular order of business and take up H. B. No. 60.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McKee:

H. B. No. 60, A bill to be entitled "An Act amending Section 3 of H. B. No. 81, Chapter 29, Acts of the First Called Session, Forty-third Legislature, and H. B. No. 31 of the Third Called Session of the Forty-third Legislature; providing for commercial fisherman's license, wholesale fish dealer's license, retail fish dealers' license, in towns of certain population, retail oyster dealers' license, retail dealers' truck license, bait dealers' license, shrimp trawl license, shrimp trawl license permitting use of a 'try net,' seine or net license, fish boat license, skiff license, oyster dredge license, and fish guide license and the fees and requirements for all of same, etc."

Amend H. B. No. 60 by striking out the words and figures Seven Thousand Five Hundred (7,500) and insert in lieu thereof the words and figures Five Thousand (5,000).

SHIVERS.

Read and adopted.

Amend the caption of H. B. No. 60 by striking out the words and figures Seven Thousand Five Hundred (7,500) and insert in lieu thereof

the words and figures Five Thousand (5,000).

SHIVERS.

Read and adopted.

Amend H. B. No. 60 by adding a new section following Section 2 to be numbered "2A" and to read as follows:

"Section 2A:

All moneys collected under the provisions of this Act, or because of fines paid for violations of the commercial fishing laws, shall be remitted to the Game, Fish and Oyster Commission at its office in Austin, Texas, not later than the tenth day of the month following their collection, and shall be deposited by the Game, Fish and Oyster Commission in the State Treasury to the credit of a special fund designated as "Fish and Oyster Fund."

Such Fish and Oyster Fund shall be used for the enforcement of the fish, shrimp and oyster laws of this State; for the dissemination of useful information pertaining to the economical value of marine life; for the making of scientific investigations and surveys of the sea food fishes and the marine life; for the better protection and conservation of the sea food fishes, oysters, shrimp and other useful marine life; for the purchase, repair, and operation of boats and dredges; for employment of deputies; and for supplies, equipment and all necessary expenses for the proper administration of the fish, shrimp and oyster laws of this State.

SHIVERS.

Read and adopted.

Amend the caption of H. B. No. 60 by inserting between the semicolon after the word "required" and before the word "providing" in line No. 25 of the printed bill, the following:

"designating the fund in the State Treasury in which the moneys from sales of licenses and for fines for violations of commercial fishing laws, are to be deposited when collected, and the purposes for which fund shall be available";

SHIVERS.

Read and adopted.

The committee report recommending the the bill be printed was adopted by unanimous consent.

The bill was read second time, as amended, and passed to third reading.

On motion of Senator Shivers, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 60 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Moore.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Moore.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 368.

Senator Oneal received unanimous consent to suspend the regular order of business and take up H. B. No. 368.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Alexander:

H. B. No. 368, A bill to be entitled "An Act changing the time of hold-

ing the terms of the district court in the One Hundredth Judicial District, and providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in the counties composing said district, together with jurors heretofore selected are valid and returnable to the first term of such court after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms; repealing all conflicting laws; fixing the effective date of the Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 368 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Isbell.
Davis.	Martin.
Duggan.	Moore.
Hill.	Neal.

Oneal.	Shivers.
Pace.	Small.
Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Regan.	Westerfeld.
Sanderford.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

House Bill No. 814.

Senator Neal received unanimous consent to suspend the regular order of business and take up H. B. No. 814.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Wood of Harrison:

H. B. No. 814, A bill to be entitled "An Act repealing Article 941, Penal Code of Texas, 1925, as amended by Acts, 1929, Forty-first Legislature, Chapter 119, and as further amended by Acts, 1930, Forty-first Legislature, Fifth Called Session, Chapter 13, Section 1, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 814 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

House Bill No. 887.

Senator Hill received unanimous consent to suspend the regular order of business and take up H. B. No. 887.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Gibson:

H. B. No. 887, A bill to be entitled "An Act authorizing the county judge to employ a stenographer or clerk in any county having a population of less than twenty thousand inhabitants according to the last preceding Federal Census, and a property valuation in excess of fifty million dollars according to the approved tax roll for the preceding calendar year; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hill the constitutional rule requiring bills to be read an three several days was suspended and H. B. No. 887 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Cotten.
Burns.	Davis.
Collie.	Duggan.

Hill.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Isbell.	Shivers.
Martin.	Small.
Moore.	Stone.
Neal.	Sulak.
Oneal.	Van Zandt.
Pace.	Westerfeld.
Poage.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

Read third time and finally passed
by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

House Bill No. 373.

Senator Holbrook received unanimous consent to suspend the regular order of business and take up H. B. No. 373.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hartzog:

H. B. No. 373, A bill to be entitled "An Act to amend Section 6 of House Bill No. 303, Chapter 245, page 856, of the Acts of the Regular Session of the Forty-third Legislature to provide for an adequate and efficient method of examining state-wide mutual assessment insurance associations and companies qualifying and/or operating under the above chapter, and providing for the examination of said companies and associa-

tions every two years or oftener, if deemed advisable, etc., and declaring an emergency."

Amend H. B. No. 373 by adding a new section to be known as Section 2a, to read as follows:

It shall be the duty of the Commissioner to require any corporation, person, firm, association, local mutual aid association or any local association, company or organization, to have a certificate of authority before being authorized to carry on any insurance business in this State. If, in any event, any such company, person, firm, association, corporation, local aid association or local organization is writing any form of insurance whatsoever without a permit, or certificate of authority issued by the Department of Insurance of Texas, it shall be the duty of the Commissioner to make known said fact to the Attorney General of the State of Texas, who is hereby required to institute proceedings in the District Court of Travis County to restrain such corporation, person, firm, association, company, local aid association or organization from writing any insurance of any kind or character without a permit.

REDDITT.

Read and adopted.

"Amend the caption to conform to the body of the bill."

REDDITT.

Adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time, as amended, and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 373 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Hornsby.
Burns.	Isbell.
Collie.	Martin.
Cotten.	Moore.
Davis.	Neal.
Duggan.	Oneal.
Hill.	Pace.
Holbrook.	Poage.
Hopkins.	Rawlings.

Redditt.	Stone.
Regan.	Sulak.
Sanderford.	Van Zandt.
Shivers.	Westerfeld.
Small.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Nays—1.

Cotten.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

House Bill No. 181.

Senator Sanderford received unanimous consent to suspend the regular order of business and take up H. B. No. 181.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hoskins:

H. B. No. 181, A bill to be entitled "An Act making an appropriation to remove the remains of certain Texas patriots and providing for monuments for such patriots, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Sanderford, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 181 was put

on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Cneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

Senate Bill No. 265.

Senator Hornsby received unanimous consent to suspend the regular order of business and take up S. B. No. 265.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hornsby:

S. B. No. 265, A bill to be entitled "An Act defining the term 'transportation agent'; providing certain exceptions; regulating the business of transportation agents; prescribing

the duties of the Railroad Commission with relation to transportation agents; etc.; and declaring an emergency."

(With committee amendment.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time, as amended, and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 265 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	

Read third time and finally passed by the following vote:

Yeas—18.

Beck.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Moore.	Stone.
Neal.	Van Zandt.
Pace.	Woodruff.

Nays—6.

Burns.	Martin.
Collie.	Poage.
Hill.	Westerfeld.

Absent.

Hopkins.	Sulak.
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Absent—Excused.

Blackert. Isbell.
DeBerry. Oneal.
Fellbaum.

House Bill No. 302.

Senator Collie received unanimous consent to suspend the regular order of business and take up H. B. No. 302.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McCalla:

H. B. No. 302, A bill to be entitled "An Act to amend Article 2726 of the Revised Civil Statutes of Texas, revision of 1925, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Collie, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 302 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert. Fellbaum.
DeBerry.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Hill.
Burns.	Holbrook.
Collie.	Hopkins.
Cotten.	Hornsby.
Davis.	Isbell.
Duggan.	Martin.

Moore.	Sanderford.
Neal.	Shivers.
Oneal.	Small.
Pace.	Stone.
Poage.	Sulak.
Rawlings.	Van Zandt.
Redditt.	Westerfeld.
Regan.	Woodruff.

Absent—Excused.

Blackert. Fellbaum.
DeBerry.

Senate Bill No. 182.

Senator Isbell received unanimous consent to suspend the regular order of business and take up S. B. No. 182.

The Chair laid before the Senate on its second reading the following bill:

By Senator Hornsby:

S. B. No. 182, A bill to be entitled "An Act to amend Acts of 1903, Twenty-eighth Legislature, Regular Session, page 123, Chapter XCV, S. B. No. 76, Sections 1, 2 and 3, which is now Article 4576, Revised Statutes of 1925, providing for the appointment of the members of the State Board of Embalming so as to create a rotating board and to enlarge the term of office to six (6) years; prescribing the qualifications of the members of said board and their term of office; and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 182 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Moore.
Burns.	Neal.
Collie.	Oneal.
Cotten.	Pace.
Davis.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Martin.	Small.

Stone. Westerfeld.
Sulak. Woodruff.
Van Zandt.

Absent—Excused.

Blackert. Fellbaum.
DeBerry. Isbell.

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert. Fellbaum.
DeBerry. Isbell.

House Bill No. 139.

Senator Regan received unanimous consent to suspend the regular order of business and take up H. B. No. 139.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Fisher:

H. B. No. 139, A bill to be entitled "An Act amending Article 1021, Texas Code of Criminal Procedure of 1925, as amended by Acts 1927, Fortieth Legislature, Chapter 236, Section 1, relating to salaries and per diem of district attorneys in all judicial districts composed of two or more counties, and providing that such district attorneys shall receive pay for each day of service in the necessary discharge of their official duties, and for each day they represent the State in specified capacities, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 139 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert. Fellbaum.
DeBerry. Isbell.

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert. Fellbaum.
DeBerry. Isbell.

Senate Resolution No. 96.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Poage:

S. R. No. 96, A Senate resolution "Providing for the appointment of an investigating committee to be composed of five members of the Senate, to be appointed by the Lieutenant Governor, to investigate any irregularities in any department of the State Government."

Committee Substitute Adopted.

S. R. No. 96, as substituted, was adopted by viva voce vote.

Bills Referred.

H. B. No. 1001, referred to the Committee on Education.

H. B. No. 1003, referred to the Committee on Education.

H. B. No. 998, referred to the Committee on Civil Jurisprudence.

Senate Bill No. 435.

Senator Woodruff moved that the Senate do not concur in House amendments to S. B. No. 435 and requested appointment of conference committee.

The motion prevailed by viva voce vote.

Conference Committee Appointed.

The Chair appointed the following conferees on the part of the Senate on S. B. No. 435:

Senators Woodruff, Sanderford, Davis, Holbrook, and Regan.

House Bill No. 914.

Senator Moore received unanimous consent to suspend the regular order of business and moved to reconsider the vote by which H. B. No. 914 was finally passed.

Motion prevailed by viva voce vote.

The Chair laid before the Senate on its third reading the following bill:

By Mr. Howard, et al.

H. B. No. 914, A bill to be entitled "An Act to create the San Jacinto River Conservation and Reclamation District under the authority of Section 59, of Article XVI, of the Constitution of Texas, and defining the powers and duties of the said district; providing for temporary directors and organization and operation of the district; and the authority and duties of said temporary directors, etc., and declaring an emergency."

Amend H. B. No. 914, page 6, Section 5, by striking out September 1st, 1931 and substituting in lieu thereof October 1st, 1935, and by striking out August 1st, 1930 and substituting in lieu thereof September 1st, 1935.

MOORE.

Read and adopted.

Amend H. B. No. 914, Page 7, by

inserting September 1st, 1935 in the blank space on line 3 of page 7 and by inserting September 1st, 1935 in each of the two blank spaces on line 6, same page and by inserting 1935 after the figure 31 in line 15, same page.

MOORE.

Read and adopted.

Amend H. B. No. 914 by striking out in Section 6, page 7, all of lines 3 and 4 of said section and the first word in line 5 in said section and substituting in lieu thereof the following:

"The Lieutenant Governor shall designate, by and with the advice and consent of two-thirds of the Senate" and by striking out the words "by the State Board of Water Engineers" in the last line on page 7.

Amend caption to conform.

MOORE.

Adopted.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	Isbell.

House Bill No. 689.

Senator Neal received unanimous consent to suspend the regular order of business and take up H. B. No. 689.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Jefferson:

H. B. No. 689, A bill to be entitled "An Act to repeal Article 9521-3 of the Penal Code of the State of Texas,

the same being the Acts of the Forty-first Legislature, Second Called Session, Chapter 75, page 150, passed in 1929, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 689 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	Isbell.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	Isbell.

House Bill No. 580.

Senator Redditt received unanimous consent to suspend the regular order of business and take up H. B. No. 580.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Tillery:

H. B. No. 580, A bill to be entitled "An Act authorizing commissioners courts of certain counties to allow Stephen F. Austin Teachers College to act as depository of certain historical documents and permitting the librarian and archivist of said college to give certified copies thereof, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 580 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	Isbell.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert. Fellbaum.
DeBerry. Isbell.

House Bill No. 991.

Senator Regan received unanimous consent to suspend the regular order and take up H. B. No. 991.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hankamer:

H. B. No. 991, A bill to be entitled "An Act amending Sections 2, 3, 7, and 9 of Chapter 101 of the General and Special Laws of the First Called Session of the Forty-third Legislature, said chapter providing for the creating of a Fireman, Policemen, and Fire Alarm Operators' Pension Fund in certain cities and towns having a paid fire, police and fire alarm operators' department, and creating a Board of Trustees for the same, and defining the duties and powers of the trustees thereof; etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 991 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck. Pace.
Burns. Poage.
Collie. Rawlings.
Cotten. Redditt.
Davis. Regan.
Duggan. Sanderford.
Hill. Shivers.
Holbrook. Small.
Hopkins. Stone.
Hornsby. Sulak.
Martin. Van Zandt.
Moore. Westerfeld.
Neal. Woodruff.
Oneal.

Absent—Excused.

Blackert. Fellbaum.
DeBerry. Isbell.

Read third time and finally passed by the following vote:

Yeas—27.

Beck. Pace.
Burns. Poage.
Collie. Rawlings.
Cotten. Redditt.
Davis. Regan.
Duggan. Sanderford.
Hill. Shivers.
Holbrook. Small.
Hopkins. Stone.
Hornsby. Sulak.
Martin. Van Zandt.
Moore. Westerfeld.
Neal. Woodruff.
Oneal.

Absent—Excused.

Blackert. Fellbaum.
DeBerry. Isbell.

House Bill No. 601.

Senator Sanderford received unanimous consent to suspend the regular order of business and take up H. B. No. 601.

The Chair laid before the Senate on its third reading the following bill:

H. B. No. 601, A bill to be entitled "An Act making it unlawful for any person, firm, association, or corporation to pack for sale, sell, or offer for sale, wheat flour or other cereal, flour, and corn meal only in standardized packages; etc., and declaring an emergency."

Amend Section 3 of H. B. No. 601 so that it shall hereafter read as follows:

"That each package of wheat flour, other cereal flour and corn meal shall have the net weight, name of manufacturer or wholesale distributor (meaning the person, firm, association, or corporation which processes the wheat or other cereal into flour, or which processes the corn into meal or distributes either exclusively at wholesale)."

HILL.

Read and pending.

Senator Sanderford moved to suspend the constitutional rule requiring bills to be read on three several days and put H. B. No. 601 on its third reading and final passage.

The motion lost by the following vote:

Yeas—17.

Beck.	Redditt.
Burns.	Regan.
Collie.	Sanderford.
Cotten.	Shivers.
Davis.	Small.
Holbrook.	Stone.
Moore.	Van Zandt.
Pace.	Westerfeld.
Rawlings.	

Nays—5.

Duggan.	Poage.
Hornsby.	Woodruff.
Neal.	

Present—Not Voting.

Hill.	Sulak.
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Absent.

Martin.

Absent—Excused.

Blackert.	Hopkins.
DeBerry.	Isbell.
Fellbaum.	Oneal.

Senate Bill No. 504.

Senator Stone moved that the Senate do concur in House amendments to S. B. No. 504.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	Isbell.

House Bill No. 941.

Senator Shivers received unanimous consent to suspend the regular order of business and take up S. B. No. 941.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McKee:

H. B. No. 941, A bill to be entitled "An Act to safeguard the public in the purchase of high grade plant and nursery stock, true to name; further defining the duties of the State Seed and Plant Board; establishing a system of registration and certification for agricultural plants and nursery stock; etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Shivers the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 941 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	Isbell.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert. Fellbaum.
DeBerry. Isbell.

H. C. R. No. 55.

Senator Small received unanimous consent to suspend the regular order of business and take up H. C. R. No. 55.

The Chair laid before the Senate on its second reading the following resolution:

By Mr. Rogers:

H. C. R. No. 55, Providing for the appointment of a committee to represent the State of Texas in order to settle the boundary dispute between Texas and Oklahoma.

Read and adopted by viva voce vote.

House Bill No. 885.

Senator Stone received unanimous consent to suspend the regular order of business and take up H. B. No. 885.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Stevenson:

H. B. No. 885, A bill to be entitled "An Act authorizing Real County to issue certain warrants or other evidences of indebtedness and to declare the validity of certain indebtedness arising out of the construction of State Highway No. 41 in the County of Real; etc., and declaring an emergency."

Motion to Extend Time.

Senator Martin moved to extend Senator Poage's time for five minutes in discussion of the bill.

The motion prevailed by viva voce vote.

Point of Order.

Senator Holbrook raised the point of order for the third time that the Senator was filibustering, and was not confining his remarks to the bill, and called for a ruling from the Chair.

The Chair, Lieutenant Governor Walter F. Woodul, requested the Senate to vote on the point of order.

The point of order was sustained by the following vote:

Yeas—11.

Burns. Moore.
Cotten. Neal.
Davis. Pace.
Holbrook. Rawlings.
Hornsby. Small.
Martin.

Nays—9.

Beck. Sanderford.
Collie. Shivers.
Duggan. Westerfeld.
Poage. Woodruff.
Redditt.

Present—Not Voting.

Hill. Van Zandt.
Stone.

Absent—Excused.

Blackert. Isbell.
DeBerry. Oneal.
Fellbaum. Regan.
Hopkins. Sulak.

Personal Privilege.

Senator Poage spoke on a point of personal privilege.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Stone the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 885 was put on its third and final passage by the following vote:

Yeas—24.

Beck. Neal.
Burns. Pace.
Collie. Rawlings.
Cotten. Redditt.
Davis. Regan.
Duggan. Sanderford.
Hill. Shivers.
Holbrook. Small.
Hopkins. Stone.
Hornsby. Sulak.
Martin. Van Zandt.
Moore. Woodruff.

Nays—2.

Poage. Westerfeld.

Absent—Excused.

Blackert. Isbell.
DeBerry. Oneal.
Fellbaum.

Read third time and finally passed
by the following vote:

Yeas—16.

Burns.	Redditt.
Davis.	Regan.
Holbrook.	Sanderford.
Hornsby.	Shivers.
Martin.	Small.
Moore.	Stone.
Neal.	Van Zandt.
Rawlings.	Woodruff.

Nays—8.

Beck.	Hill.
Collie.	Pace.
Cotten.	Poage.
Duggan.	Westerfeld.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	Sulak.
Hopkins.	

House Bill No. 603.

Senator Burns received unanimous consent to suspend the regular order of business and take up H. B. No. 603.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Butler of Brazos:

H. B. No. 603, A bill to be entitled "An Act amending Article 7328, Revised Civil Statutes of 1925, as amended, Acts of 1927, Fortieth Legislature, First Called Session, providing for the purchase by the State in certain instances of lands sold for the payment of taxes; amending Article 2613, Revised Civil Statutes of 1925, withdrawing all forest lands from the market and providing for a system of State forest lands, the management and control thereof, and defining forest lands, etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 603 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed
by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 817.

Senator Burns received unanimous consent to suspend the regular order of business and take up H. B. No. 817.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Bergman:

H. B. No. 817, A bill to be entitled "An Act providing for the acquisition of lands for State forests by Board of Directors of A. & M. College; vesting authority in such board of directors, etc., and declaring an emergency."

The committee report recommend-

ing that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 817 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 1001.

Senator Poage received unanimous consent to suspend the regular order of business and take up H. B. No. 1001.

By Mr. Tennyson:

H. B. No. 1001, A bill to be entitled "An Act to amend Article 2789, Revised Civil Statutes of 1925, as amended by Chapter 32, Acts of the Regular Session of the Forty-third Legislature, by making provision that

refunding bonds may be issued as term or as serial bonds, maturing in either case within forty (40) years, from date of issue and may be made optional on any interest payment date as the governing board shall direct, and declaring an emergency."

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1001 was put on its second reading by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	Isbell.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1001 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	Isbell.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Oneal.	

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	Isbell.

House Bill No. 796.

Senator Westerfeld received unanimous consent to suspend the regular order of business and take up H. B. No. 796.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Roach:

H. B. No. 796, A bill to be entitled "An Act relating to commercial vehicles, trucks, buses, or any vehicles which are designed or used for the purpose of lifting or towing wrecked cars, carrying flares so as to extend greater safety upon our highways showing the operation of same, providing a penalty therefor, and declaring an emergency."

(With committee amendments.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendments were adopted.

The bill was read second time as amended and passed to third reading.

On motion of Senator Westerfeld, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 796 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Davis.
Burns.	Duggan.
Collie.	Hill.
Cotten.	Holbrook.

Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Shivers.
Moore.	Small.
Neal.	Stone.
Pace.	Sulak.
Poage.	Van Zandt.
Rawlings.	Westerfeld.
Redditt.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 223.

Senator Westerfeld received unanimous consent to suspend the regular order of business and called from the table H. B. No. 223.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Reed of Dallas:

H. B. No. 223, A bill to be entitled "An Act levying and imposing license taxes and occupation taxes on coin-operated vending machines as defined in the Act, providing for certain exceptions and exemptions, prescribing penalties for violation of acts prohibited hereby and for failure to do and perform acts required to be done and performed under the provisions of this Act, to repeal Chapter 116, Acts of the First Called Session of the Forty-third Legislature, and to provide against counties, cities, and

towns imposing any additional occupation tax by virtue of the taxes levied and imposed by this Act, etc., and declaring an emergency."

Substitute for Poage Amendment.

Amend Senate Committee Amendment No. 1 of House Bill No. 223, by rewording Section 7 as follows:

Sec. 7. Nothing herein shall be construed to license, permit, authorize, or legalize any coin-operated vending machine that operation, display, and/or maintenance of which is now illegal under Article 654 of the Penal Code of the State of Texas, 1925, and Section 47, Article 3, of the Constitution of the State of Texas; however, nothing herein shall be construed to prohibit the operation of any coin-operated marble or ball machine taxed herein which is not now prohibited by the Penal Code, or the Constitution of Texas.

WESTERFELD.

Read and adopted.

Amend Section — of H. B. No. 223 by adding a new section to be known as Subsection "A" as follows:

Provided that any game played on such machines shall be considered a game of chance in the event prizes of any kind or any money is ever paid thereon.

COTTEN.

Read.

The amendment by Senator Cotten lost by the following vote:

Yeas—10.

Beck.	Hill.
Burns.	Hopkins.
Collie.	Neal.
Cotten.	Pace.
Davis.	Woodruff.

Nays—14.

Duggan.	Redditt.
Holbrook.	Regan.
Hornsby.	Sanderford.
Martin.	Shivers.
Moore.	Small.
Poage.	Van Zandt.
Rawlings.	Westerfeld.

Absent—Excused.

Blackert.	Oneal.
DeBerry.	Stone.
Fellbaum.	Sulak.
Isbell.	

Read second time as amended, and passed to third reading.

On motion of Senator Westerfeld, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 223 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Pace.	

Nays—1.

Cotten.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 774.

Senator Woodruff received unanimous consent to suspend the regular order of business and take up H. B. No. 774.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McConnell:

H. B. No. 774, A bill to be entitled "An Act to permit Mrs. Otice Langham and her son, Gene Langham, both personally and in the capacity of some party as next friend to the said Gene Langham, to sue the State of Texas and the Texas National Guard for injuries the said Gene Langham sustained when he was run down and run over by an army truck and truck of the said Texas National Guard near Mineral Wells, during July, 1930, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Woodruff, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 774 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Pace.
Burns.	Poage.
Davis.	Rawlings.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Nays—3.

Collie.	Redditt.
Cotten.	

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	Sulak.

House Bill No. 705.

Senator Rawlings received unanimous consent to suspend the regular order of business and take up H. B. No. 705.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Harris of Dallas:

H. B. No. 705, A bill to be entitled "An Act amending Article 3886 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, of the General Laws of the Regular Session of the Forty-third Legislature, by adding thereto a separate article to be known as Article 3886-e, making adequate provision for compensation of a court reporter to be appointed by the criminal district attorney in any county having a population in excess of one hundred and fifty thousand (150,000) and less than three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding Federal census, and which alone constitutes two or more judicial districts; etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Rawlings, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 705 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert. Isbell.
DeBerry. Oneal.
Fellbaum.

Read third time and finally passed
by the following vote:

Yeas—26.

Beck. Pace.
Burns. Poage.
Collie. Rawlings.
Cotten. Redditt.
Davis. Regan.
Duggan. Sanderford.
Hill. Shivers.
Holbrook. Small.
Hopkins. Stone.
Hornsby. Sulak.
Martin. Van Zandt.
Moore. Westerfeld.
Neal. Woodruff.

Absent—Excused.

Blackert. Isbell.
DeBerry. Oneal.
Fellbaum.

House Bill No. 1003.

Senator Small received unanimous
consent to suspend the regular order
of business and take up H. B. No.
1003.

The Chair laid before the Senate
on its second reading the following
bill:

By Mr. Worley:

H. B. No. 1003, A bill to be entitled
"An Act permitting trustees of inde-
pendent school districts in certain
counties to issue time warrants for
the purpose of taking up, refunding,
and extending indebtedness incurred
for the legal maintenance of schools
in said districts up to June 1, 1935;
etc., and declaring an emergency."

On motion of Senator Small, the
constitutional rule requiring bills to
be read on three several days was
suspended and H. B. No. 1003 was
put on its second reading by the fol-
lowing vote:

Yeas—26.

Beck. Hill.
Burns. Holbrook.
Collie. Hopkins.
Cotten. Hornsby.
Davis. Martin.
Duggan. Moore.

Neal. Shivers.
Pace. Small.
Poage. Stone.
Rawlings. Sulak.
Redditt. Van Zandt.
Regan. Westerfeld.
Sanderford. Woodruff.

Absent—Excused.

Blackert. Isbell.
DeBerry. Oneal.
Fellbaum.

The rule requiring committee re-
ports to lie over one day was sus-
pended by unanimous consent.

The committee report recommend-
ing that the bill be not printed was
adopted by unanimous consent.

The bill was read second time and
passed to third reading.

On motion of Senator Small, the
constitutional rule requiring bills to
be read on three several days was
suspended and H. B. No. 1003 was
put on its third reading and final pas-
sage by the following vote:

Yeas—26.

Beck. Pace.
Burns. Poage.
Collie. Rawlings.
Cotten. Redditt.
Davis. Regan.
Duggan. Sanderford.
Hill. Shivers.
Holbrook. Small.
Hopkins. Stone.
Hornsby. Sulak.
Martin. Van Zandt.
Moore. Westerfeld.
Neal. Woodruff.

Absent—Excused.

Blackert. Isbell.
DeBerry. Oneal.
Fellbaum.

Read third time and finally passed
by the following vote:

Yeas—26.

Beck. Martin.
Burns. Moore.
Collie. Neal.
Cotten. Pace.
Davis. Poage.
Duggan. Rawlings.
Hill. Redditt.
Holbrook. Regan.
Hopkins. Sanderford.
Hornsby. Shivers.

Small.	Van Zandt.
Stone.	Westerfeld.
Sulak.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 690.

Senator Burns received unanimous consent to suspend the regular order of business and take up H. B. No. 690.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Bergman:

H. B. No. 690, A bill to be entitled "An Act to provide a schedule of weights whereby the load weight of lumber being hauled by trucks on the highways of this State can be determined, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 690 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.

Nays—2.

Cotten.	Woodruff.
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Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 691.

Senator Shivers received unanimous consent to suspend the regular order of business and take up H. B. No. 691.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Clayton:

H. B. No. 691, A bill to be entitled "An Act to define and regulate 'auto caravans' using the highways of this State outside of the limits of incorporated cities, towns, or villages; placing the jurisdiction of the regulation of such auto caravans in the Railroad Commission of the State of Texas; making it unlawful to operate auto caravans without procuring a permit from the Railroad Commission for each of such caravans; requiring applications to be made by persons desiring to operate such auto caravans upon forms prescribed by the Railroad Commission of Texas; requiring that a remittance of five dollars (\$5.00) for each one hundred (100) miles or a fraction thereof each vehicle is to be moved shall accompany the application, to be deposited in the State Highway Fund if the permit is issued, but, provided, that said sum of money shall be returned if the permit is not granted, etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Shivers, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 691, was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 925.

Senator Cotten received unanimous consent to suspend the regular order of business and take up H. B. No. 925.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Steward:

H. B. No. 925, A bill to be entitled "An Act amending Article 4631, Revised Civil Statutes of the State of Texas, 1925, relating to the residence of plaintiff in suits for divorce, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Cotten, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 925 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 983.

Senator Davis received unanimous consent to suspend the regular order of business and take up H. B. No. 983.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Adkins and Mr. Stinson:

H. B. No. 983, A bill to be entitled "An Act making it unlawful to transport minnows of any and all species outside of the counties wherein such minnows are caught, seined or taken; provided that this Act shall only apply to persons, firms or corporations transporting minnows caught, seined or taken from the waters of the counties of McCulloch, San Saba, Gillespie, Llano, Kendall, Blanco, Lampasas, and Mason; etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 983 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Cotten.
Burns.	Davis.
Collie.	Duggan.

Hill.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Martin.	Small.
Moore.	Stone.
Neal.	Sulak.
Pace.	Van Zandt.
Poage.	Westerfeld.
Rawlings.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 375.

Senator Duggan received unanimous consent to suspend the regular order of business and take up H. B. No. 375.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Payne:

H. B. No. 375, A bill to be entitled "An Act providing that beaver may be taken in Val Verde County during the month of January and their pelts disposed of in conformity to the laws of this State; providing a penalty; repealing all laws, in so far as they conflict with any provision of this Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Duggan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 375 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert. Isbell.
DeBerry. Oneal.
Fellbaum.

Read third time and finally passed
by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert. Isbell.
DeBerry. Oneal.
Fellbaum.

House Bill No. 893.

Senator Shivers received unanimous consent to suspend the regular order of business and take up H. B. No. 893.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Nicholson:

H. B. No. 893, A bill to be entitled "An Act to amend Chapter 1, Title 61, Revised Civil Statutes of 1925, providing for the appointment of deputy district clerks in any county having a population of more than one hundred thirty-two thousand (132,000) and less than one hundred fifty thousand (150,000) inhabitants, as shown by the latest United States Census, and in which there are more than one district court, including a criminal district court; etc., and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Shivers the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 893 was put

on its third and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert. Isbell.
DeBerry. Oneal.
Fellbaum.

Read third time and finally passed
by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert. Isbell.
DeBerry. Oneal.
Fellbaum.

House Bill No. 694.

Senator Hill received unanimous consent to suspend the regular order of business and take up S. B. No. 694.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Leath:

H. B. No. 694, A bill to be entitled "An Act amending Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1930, Forty-first Legislature, Fourth Called Ses-

sion, page 30, Chapter 20; as amended by Acts of 1931, Forty-second Legislature, page 822, Chapter 340; as amended by Acts of 1933, Forty-third Legislature, page 734, Chapter 220, Section 1, and as further amended by Acts of 1934, Forty-third Legislature, Second Called Session, page 123, Chapter 58, Section 1, by adding thereto a new subsection to be known as Subsection 2-a, and amending Article 3902, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1929, Forty-first Legislature, First Called Session, page 225, Chapter 92, as amended by Acts of 1931, Forty-second Legislature, page 364, Chapter 214, as amended by Acts of 1933, etc."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 694 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Martin.
Davis.	Moore.
Duggan.	Neal.
Hill.	Pace.

Poage.	Small.
Rawlings.	Stone.
Redditt.	Sulak.
Regan.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 374.

Senator Holbrook received unanimous consent to suspend the regular order of business and take up H. B. No. 374.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Jones of Falls:

H. B. No. 374, A bill to be entitled "An Act amending Title 17, Chapter 6, of the Penal Code of Texas, by adding thereto an article to be known as Article 1404a, defining attempted burglary of a vessel, steamboat, or railroad car, making attempted burglary of a vessel, steamboat, or railroad car a penal offense, and providing the punishment for said offense."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 374 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	DeBerry.
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Fellbaum.
Isbell.

Oneal.

Read third time and finally passed
by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 845.

Senator Hopkins received unanimous consent to suspend the regular order of business and take up H. B. No. 845.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Knetsch:

H. B. No. 845, A bill to be entitled "An Act to prohibit the sale or offering for sale, or the buying of any bass, crappie, perch or catfish, or any other fish taken from the fresh waters of Guadalupe County, and to prohibit the use of net or seine, except a net not exceeding ten feet in length for the purpose of catching minnows for bait, in said county, limiting the size and number of fish which may be taken from the waters of Guadalupe County; prescribing a penalty; repealing all laws in conflict with this Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Shivers the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 845 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed
by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 336.

Senator Hornsby received unanimous consent to suspend the regular order of business and take up H. B. No. 336.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Roach of Hunt:

H. B. No. 336, A bill to be entitled "An Act to amend Article 755 of Chapter 1, Title 9, of the Code of Criminal Procedure of the State of Texas, 1925, prescribing the time when motions for new trials may be made in misdemeanors and felony trials, and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 336 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck	Pace
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Cneal.
Fellbaum	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 615.

Senator Regan received unanimous consent to suspend the regular order of business and take up H. B. No. 615.

The Chair laid before the Senate

57—Jour.

on its second reading the following bill:

By Mr. Bradford:

H. B. No. 615, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any wild quail of any species for a period of three (3) years in Ector County, Texas; fixing penalty, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 615 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
Fellbaum.	Oneal.
DeBerry.	

House Bill No. 711.

Senator Martin received unanimous consent to suspend the regular order of business and take up H. B. No. 711.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Calvert:

H. B. No. 711, A bill to be entitled "An Act exempting the State of Texas, any county in the State, any State Department, or the head of any State Department and corporations created, and/or to be created, by or under authority of any Act of Congress of the United States of America as a National relief organization, etc."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 711 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Burns.
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Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Pace.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 823.

Senator Neal received unanimous consent to suspend the regular order of business and take up H. B. No. 823.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Celaya:

H. B. No. 823, A bill to be entitled "An Act amending Article 7725, Revised Statutes of the State of Texas, of 1925, by adding thereto Section 7725-a; providing a method by which water improvement districts, upon their dissolution, shall pay their indebtedness by having same prorated against the lands lying within such districts in accordance with the assessed valuations of such lands on the county tax rolls for the preceding year; etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 823 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Martin.
Davis.	Moore.
Duggan.	Neal.
Hill.	Pace.

Poage.	Small.
Rawlings.	Stone.
Redditt.	Sulak.
Regan.	Van Zandt.
Sanderford.	Westerfeld.
Shivers.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

H. C. R. No. 88.

Senator Moore received unanimous consent to suspend the regular order of business and take up H. C. R. No. 88.

The Chair laid before the Senate on its second reading the following resolution:

H. C. R. No. 88, "Granting Mrs. Mary M. Wise permission to sue the State of Texas and the Labor Department of the State of Texas for personal injuries."

H. C. R. No. 88 was adopted by viva voce vote.

House Bill No. 657.

Senator Neal received unanimous consent to suspend the regular order of business and take up H. B. No. 657.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Leonard:

H. B. No. 657, A bill to be entitled "An Act amending Section 19 of H. B. No. 623, Chapter 180, Acts of Forty-third Legislature, Regular Session, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 657 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 157.

Senator Moore received unanimous

consent to suspend the regular order of business and take up H. B. No. 157.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McCalla:

H. B. No. 157, A bill to be entitled "An Act to provide that constables shall be responsible for the official acts of their deputies; empowering constables to require bond and security of their deputies; providing remedies in favor of constables against their deputies and sureties, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Moore, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 157 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Martin.
Burns.	Moore.
Collie.	Neal.
Cotten.	Pace.
Davis.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.

Small.
Stone.
Sulak.

Van Zandt.
Westerfeld.
Woodruff.

Absent—Excused.

Blackert.
DeBerry.
Fellbaum.

Isbell.
Oneal.

House Bill No. 833.

Senator Poage received unanimous consent to suspend the regular order of business and take up H. B. No. 833:

The Chair laid before the Senate on its second reading the following bill:

By Mr. Cagle:

H. B. No. 833, A bill to be entitled "An Act amending Article 2880, Revised Civil Statutes of 1925, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 833 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Collie.
Burns.	Cotten.

Davis.	Rawlings.
Duggan.	Redditt.
Hill.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Martin.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Pace.	Westerfeld.
Poage.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 909.

Senator Redditt received unanimous consent to suspend the regular order of business and take up H. B. No. 909.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Glass:

H. B. No. 909, A bill to be entitled "An Act to prohibit the selling, taking or possession for barter or sale of wild fox or the pelt thereof; to prohibit the killing of wild fox; providing penalties; providing that the Act shall remain in effect for two years, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 909 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 682.

Senator Regan received unanimous consent to suspend the regular order of business and take up H. B. No. 682.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hankamer:

H. B. No. 682, A bill to be entitled "An Act amending Article 7118 of the 1925 Revised Civil Statutes of the State of Texas, being Section 3 of Chapter 29, page 64, Acts of the Second Called Session of the Thirty-eighth Legislature of the State of Texas, by adding to the class exempted and taxes under Class 'A' therein, stepchildren of the decedent, and their direct descendants and the direct descendants of adopted children, and by adding a new article to be known as Article 7118-a, providing that such classification shall apply in the case of persons now deceased and whose estates have not been appraised for inheritance tax at the time of the passage of this Act, and declaring an emergency."

The committee report recommending that the bill be not printed was

adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 682 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 601.

On motion of Senator Sanderford, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 601 was put on its third reading and final passage by the following vote:

Yeas—19.

Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Martin.	Stone.
Moore.	Van Zandt.
Neal.	Westerfeld.
Pace.	

Nays—3.

Hornsby.	Woodruff.
Poage.	

Present—Not Voting.

Beck.

Absent.

Duggan.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	Sulak.
Hopkins.	

The pending amendment by Senator Hill was unanimously adopted.

"Amend the caption to conform." Adopted.

H. B. No. 601 was read third time as amended and finally passed by the following vote:

Yeas—18.

Beck.	Pace.
Burns.	Rawlings.
Collie.	Regan.
Cotten.	Sanderford.
Davis.	Shivers.
Holbrook.	Small.
Martin.	Stone.
Moore.	Van Zandt.
Neal.	Westerfeld.

Nays—5.

Hill.	Redditt.
Hornsby.	Woodruff.
Poage.	

Absent.

Duggan.

Absent—Excused.

Blackert.	Fellbaum.
DeBerry.	Hopkins.

Isbell.
Oneal.

Sulak.

House Bill No. 641.

Senator Davis received unanimous consent to suspend the regular order of business and take up H. B. No. 641.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Stevenson:

H. B. No. 641, A bill to be entitled "An Act to prohibit the taking of fish in Kimble, Kerr, Edwards, Real, Sutton, Bandera, Mason, Menard, Blanco, Llano, Kendall, or Gillespie Counties with any device equipped with more than two hooks, except artificial bait used with a rod and reel and excepting a twenty-foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said counties, etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Davis, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 641 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 3.

Senator Redditt received unanimous consent to suspend the regular order of business and take up H. B. No. 3.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Tillery:

H. B. No. 3, A bill to be entitled "An Act amending Article 924, Penal Code, 1925, making it unlawful to use certain explosives or other things harmful to fish in any of the waters of this State; providing a penalty, and declaring an emergency."

(With committee amendments.)

The committee report recommending that the bill be printed was adopted by unanimous consent.

The committee amendment was adopted.

"Amend the caption to conform to the body of the bill."

REDDITT.

Adopted.

The bill was read second time and passed to third reading.

On motion of Senator Redditt, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 3 was put on its third reading and final passage by the following vote;

Yeas—26.

Beck.	Cotten.
Burns.	Davis.
Collie.	Duggan.

Hill.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Shivers.
Martin.	Small.
Moore.	Stone.
Neal.	Sulak.
Pace.	Van Zandt.
Poage.	Westerfeld.
Rawlings.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed
by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 915.

Senator Burns received unanimous consent to suspend the regular order of business and take up H. B. No. 915.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Colson:

H. B. No. 915, A bill to be entitled "An Act to prohibit the use of a seine or net for taking fish in Montgomery County except a seine or net of not less than three-inch square mesh during certain months; excepting a minnow seine from provisions of this Act; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The committee report recommend-

ing that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 915 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed
by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

House Bill No. 726.

Senator Westerfeld received unanimous consent to suspend the regular order of business and take up H. B. No. 726.

The Chair laid before the Senate

on its second reading the following bill:

By Mr. Harris of Dallas:

H. B. No. 726, A bill to be entitled "An Act providing for the appointment of grand jury bailiffs in counties having a population in excess of three hundred and twenty-five thousand (325,000) inhabitants and less than three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding or any subsequent Federal census; etc., and declaring an emergency."

The committee report recommending that the bill be printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Westerfeld the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 726 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Blackert.	Isbell.
DeBerry.	Oneal.
Fellbaum.	

S. C. R. No. 65.

By Senator Woodruff:

Be it resolved by the Senate, the House of Representatives concurring, That Joint Rules 22, 23, 24, and 32 be, and are hereby suspended, for the purpose of considering S. B. No. 395, relating to bond issue on certain road district, until said bill is finally disposed of.

Senator Woodruff asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 65 be taken up and considered at this time.

Unanimous consent was granted.

S. C. R. No. 65 was adopted by viva voce vote.

Motion to Recess.

On motion of Senator Holbrook, the Senate at 11:25 o'clock p. m., recessed until 10:00 o'clock a. m., Friday.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 21 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 62 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 181

carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 6 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 42 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 60 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 61 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 143 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 149 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 290 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 493 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 523 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 153 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 499 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 402 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 509

carefully examined and compared
and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 8, 1935.

Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No. 55
carefully examined and compared
and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had S. C. R. No. 34
carefully examined and compared
and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 777, A bill to be entitled "An Act making appropriations to
pay miscellaneous claims out of the General Fund; authorizing the pay-
ment of certain sums out of the Highway Fund; authorizing payment of
said miscellaneous claims on the taking effect of this Act; provided no
claim shall be paid until audited by the State Auditor or State Comptroller
and approved by the Attorney General, and declaring an emergency."

Have had the same under consideration, and I am instructed to report
it back to the Senate with the recommendation that it do pass with com-
mittee amendment and be not printed.

REDDITT, Chairman.

Committee Amendment.

Amend H. B. No. 777 by adding the following at the end of Section 1:

"To pay Alcorn Land & Improvement Company of Sugarland, Texas, refund of overpayment of franchise tax.....\$	3.90
To pay The Allar Company of Graham, Texas, refund of over- payment of franchise tax	16.00
To pay American Federation of Arts of Washington, D. C. Warrant No. 154,672, dated June 25, 1932, on which pay- ment is prohibited by limitation	10.00
To pay Kyle Anthis, Wharton, Texas, expenses in returning fugitive from justice	307.96
To pay J. H. Beavers, Longview, Texas, for three days serv- ice as Special Judge of 124th District Court	32.82
To pay Burpee Can Sealer Company, Chicago, Ill., Treasury Warrant No. 153,422, dated June 23, 1932, on which payment prohibited by limitation	3.00
To pay S. H. Bryan, Limestone County, refund of double payment of ad valorem tax	16.65
To pay Elsie DeWolf Beckwith, Houston, Texas, transcript fees in Cause No. 39,248, Harris County	27.00
To pay Miss Eva Brown, Austin, Texas, refund on overpay- ment of ad valorem tax	120.95
To pay Brown Instrument Company, Philadelphia, Pa., Treasury Warrant No. 137,694, dated March 23, 1932, on which payment prohibited by limitation	18.96
To pay W. P. Brown, Orange, Texas, Expenses returning fugitive from justice	327.95
To pay J. S. Bond, Palo Pinto, Texas, Expenses returning fugitive from justice	276.65
To pay Colorado Operating Company, Sugarland, Texas, re- fund of overpayment of franchise tax.....	3.00

To pay Coolidge Drug Company, Coolidge, Texas, refund of overpayment of franchise tax	33.50
To pay Citizens State Bank, Rusk, Texas, Witness fees in felony cases	32.72
To pay J. M. Combs, Beaumont, Texas, Expenses incurred as Associate Justice for attendance upon Court in San Antonio	37.50
To pay J. I. Coursey, Raymondville, Texas, for three days service as special judge of district court of Willacy County	41.10
To pay Ed Dittert Company, Bellville, Texas, refund of overpayment of franchise tax	16.80
To pay E. J. Davis, Austin, Texas, refund of overpayment of registration fee on truck. To be paid from Highway Fund	12.80
To pay John Day Company, Inc., New York, Treasury Warrant No. 159078, dated July 6, 1932, on which payment prohibited by limitation	2.40
To pay Duff Electric Co., Dallas, Texas, refund of overpayment of franchise tax	10.00
To pay Foster Development Company, Sugarland, Texas, refund of overpayment of franchise tax	1.80
To pay Bouldin Crofton, Giddings, Texas, Treasury Warrant No. 205315, dated August 22nd, 1932. Payment prohibited by limitation	75.00
To pay Jake Winfield, Chapel Hill, Texas, witness fees in felony cases	25.08
To pay Goliad Lumber Company, Goliad, Texas, account against State Parks Board	200.00
To pay J. D. George Construction Company, Rental on graders in Jefferson County, to be paid from Highway Funds	350.00
To pay Garrison Lumber Company, Corpus Christi, overpayment of franchise tax	12.00
To pay Gulf States Utilities Company, Beaumont, refund of overpayment of filing fees	2,370.00
To pay Harlem Book Company, New York City, Treasury Warrant No. 175684, dated August 10, 1932, payment prohibited by limitation	2.81
To pay Hillyer-Deutsch-Jarrett Company, San Antonio, refund of overpayment of franchise tax	148.80
To pay Harnischfeger Sales Company, Milwaukee, Wisconsin, refund of overpayment of franchise tax	6.25
To pay Frank Hamer, Austin, Texas, Expenses incurred in the apprehension of Clyde Barrow	1,075.00
To pay Imperial Sugar Company, Sugarland, Texas, refund of overpayment of franchise tax	14.40
To pay P. A. Jackson, Marfa, Texas, refund of double payment of ad valorem tax	57.57
To pay John L. King, St. Louis, Mo., Services in National Guard	6.24
To pay Laredo Auto Sales Co., Laredo, Texas, refund of overpayment of franchise tax	60.00
To pay R. S. McCracken, Marfa, Texas, refund of double payment of ad valorem tax	48.22
To pay Pope Building Company, Corpus Christi, Refund of overpayment of franchise tax	15.00
To pay Sterling Price, Matador, Texas, Expenses incurred in returning fugitives from justice	269.68
To pay Bert Carroll, Waco, Texas. Damage to pecan trees by children from State Home for delinquents	90.00
To pay Clifford Braly, Dalhart, Texas, Treasury Warrant No. 27,649, payment prohibited by limitation	15.00

To pay Charles W. Ray, Jefferson, Texas, Refund of double payment of ad valorem tax	4.83
To pay Rio Grande Securities Company, McAllen, Texas, Refund of overpayment of franchise tax	107.60
To pay E. M. Scarbrough & Son, Austin, Texas, Account against Prison System	625.00
To pay Southwestern Bell Telephone Company, Refund of overpayment of filing fees	2,500.00
To pay Southwest Publishing Company, Cincinnati, Treasury Warrants Nos. 33728, 169613 and 183176, payment prohibited by limitation	62.03
To pay S. Boyd Street, Graham, Texas, refund of overpayment of franchise tax	107.10
To pay Western Advance Paper Bag Company, Boston, Mass., for refund of overpayment of franchise tax	5.00
To pay Nelson W. Willard, Amarillo, Texas, refund of double payment of ad valorem tax	183.72
To pay the following for refund of Motor Bus Seat tax collected under invalid law, to be paid out of Highway fund:	
Newt Harkey	41.00
D. S. Coward	41.00
W. E. Maxey	35.00
A. F. Ludlow	20.00
Raymundo A. Hernandez	65.00
R. B. Elliott	35.00
George Conner	28.00
Martin Fernandez	60.00
O. C. Williams	42.00
C. H. Yates	49.00
Otis Caulk	40.00
Charlie Jones	38.00
Henry Hamilton	25.00
O. Fitzgerald	42.00
Francisco Herrera	20.00
N. N. Williams	14.00
Jesus Flores	105.00
E. C. McCollum	25.00
A. Orrutia	40.00
R. G. Adamson	20.00
W. I. Mathews	20.00
Emil Morales	40.00
Isaac Garza	20.00
Federico R. Reyna	20.00
J. W. Spivey	20.00
J. R. Beeson	30.00
R. Siller	20.00
J. L. Page	20.00
J. H. Ward	28.00
Jim Young	40.00
Antero Santoy	20.00
A. McWilliams	6.65
Jesse Thomas	40.00
Militon Garcia	40.00
S. M. Boyd	20.00
Antonio Juarez	90.00
Lee Mantooth	50.00
W. W. Walker	60.00
Carlos Balladares	40.00
Victor M. Medina	40.00
J. A. Nichols	28.00
B. Pottinger	16.00
Vernon Stegall	40.00

Harry Robinson	34.00
W. X. Halbrook	20.00
M. Mondragon	55.00
E. N. Mondragon	20.00
Robert Q. Jennings	20.00
Byron Bagley	5.00
Castilla Bros.	66.00
William J. Lynch	20.00
F. M. Berry	10.00
C. H. Williams	7.00
Mauro Rangel	60.00
N. L. Yanez	120.00
Clyde Batson	20.00
H. N. Caldwell	20.00
O. E. Dabbs	10.00
Chas. Grimes	20.00
Mayor Green	10.00
O. O. Ferguson	20.00
Tom Everett	15.00
C. A. Dudley	25.00
S. F. Dougherty	15.00
G. W. Cobb	21.00
J. S. Corning	20.00
Pedro Cantu	45.00
Ernest Arrant	20.00
Oscar Baldwin	20.00
Lucille Butler	20.00
Stewart Brown	20.00
J. H. DeVare	15.00
Bill Counts	15.00
Crispin Farias	40.00
E. R. Knight	40.00
Edge Motro Co.	53.00
Guy Snead	21.00
D. S. Chapman	10.00
Onofre Villareal	100.00
Yellow Cab Co.	96.00
Alf Simington	20.00
Obe Chastine	20.00"

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 374, A bill to be entitled "An Act amending Title 17, Chapter 6 of the Penal Code of Texas, of 1925, by adding thereto an article to be known as Article 1404-a, defining attempted burglary of a vessel, steamboat or railroad car, making an attempted burglary of a vessel, steamboat or railroad car a penal offense, and providing the punishment for said offense, and declaring an emergency."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

STONE, Chairman.

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. R. No. 96.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but pass with the committee substitute in lieu thereof and neither the original resolution nor the committee substitute be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 585, A bill to be entitled "An Act to amend the Acts of 1933, Forty-third Legislature, Regular Session, page 547, Chapter 178, Section 13, relating to the issuance and manufacturing of license number plates so as to provide for the issuing of a late license number plate, seal, sticker, or device as the State Highway Commission may direct, for attaching same and relating to the State Penitentiary furnishing license number plates and road signs; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 998, A bill to be entitled "An Act amending Title 26 of the Revised Civil Statutes, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 1003,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DUGGAN, Chairman.

Committee Room,

Austin, Texas, May 9, 1935,

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 1001, A bill to be entitled "An Act to amend Article 2789 Revised Civil Statutes of 1925, as amended by Chapter 32 Acts of the Regular Session of the Forty-third Legislature, by making provision that refunding bonds may be issued as term or as serial bonds, maturing in either case within forty (40) years, from date of issue and may be made optional on any interest payment date as the governing board shall direct, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DUGGAN, Chairman.

Committee Room,

Austin, Texas, May 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 729, A bill to be entitled "An Act to amend Article 1546, Revised Penal Code, of Texas, 1925, defining specific acts constituting swindling; prescribing facts constituting prima facie evidence of violation of said Act; providing that said Act shall be cumulative of all other laws on this subject; declaring the Rule in event any provision of this Act is declared unconstitutional or invalid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following committee amendments, and be printed in the Journal.

WOODRUFF, Vice-Chairman.

Committee Amendment No. 1.

Amend H. B. No. 729 by adding a new section after Section 1 to be numbered "Section 2" and to read as follows:

"Sec. 2. Article 1550 of the Revised Penal Code, 1925 is hereby amended so that the same shall hereafter read as follows:

"Article 1550. Every person guilty of swindling shall be punished in the same manner as is provided for the punishment of theft, according to the amount of the money or

the value of the property or instrument in writing so fraudulently acquired or the amount shown on the face of the check, draft or order made, drawn, uttered or delivered."

And renumber following section accordingly.

Committee Amendment No. 2.

Amend H. B. No. 729, by striking out all after the word "thereof" in line 11 of sub-division 4 of Section 1 and inserting in lieu thereof the following:

"it shall be a complete defense if the maker of said instrument is at such time in possession thereof and the same is marked paid by the bank or other depository upon which said check, draft, or order is drawn."

By Latham, et al. H. B. No. 729.

A BILL

To Be Entitled

An Act to amend Article 1546, Revised Penal Code, of Texas, 1925, defining specific acts constituting swindling; prescribing facts constituting prima facie evidence of violation of said Act; providing that said Act shall be cumulative of all other laws on this subject; declaring the Rule in event any provision of this Act is declared unconstitutional or invalid, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 1546, Penal Code of Texas, 1925, is hereby amended so as to read hereafter as follows:

"Article 1546. Within the meaning of the term 'swindling' are included the following wrongful Acts:

"1. The exchange of property upon the false pretense that the party is the owner or has the right to dispose of the property given in exchange.

"2. The purchase of property upon the faith and credit of some other person upon the false pretense that such other has given the accused the right to use his name in making the acquisition.

"3. The obtaining by false pretense the possession of any instrument of writing, certificate, field notes or other paper relating to lands, the property of another, with

the intent that thereby the property owner shall be defeated of a valuable right in such lands.

"4. The making, drawing, uttering, or delivering with intent to defraud, by any person of any check, draft or order for the payment of money, either in his own behalf or in behalf of any person, firm, or corporation in which he is interested or for whom he is acting, upon any bank, trust company, or other depository, knowing at the time of such making, drawing, uttering or delivering that the maker, or drawer, has not sufficient funds in, or credit with, such bank, trust company, or other depository for the payment of such check, draft or order, in full, upon its presentation; and provided further that in any prosecution under this Act as against the maker or drawer thereof, the making, drawing, uttering, or delivering of a check, draft or order, payment of which is refused by the drawee because of lack of funds or credit shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or credit with such bank or other depository, provided such maker or drawer shall not have paid the holder thereof the amount due thereon, together with all costs and protest fees within five (5) days after receiving written notice that such check, draft or order has not been paid by the drawee.

"4a. The word 'credit' as used herein shall be construed to mean an arrangement or understanding with any bank, trust company, or depository for the payment of such check, draft or order.

"5. The special enumeration of cases of swindling above set forth shall not be understood to exclude any case which by fair construction of language comes within the meaning of the preceding Article.

"6. This Act shall be cumulative of all other laws on this subject and should any section or provision be declared unconstitutional such decision shall not affect any of the remaining provisions of this Act."

Sec. 2. The fact that the present law with reference to the making, giving, and passing of checks when there are insufficient funds in the hands of drawee for payment of same is wholly inadequate to support pros-

ecutions for violations thereof and has resulted in substantial losses to many business pursuits in this State creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to

be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall be in full force and effect from and after its passage, and it is so enacted.

In Memory
of
Hon. Arthur C. Johnson

SENATE RESOLUTION NO. 98.

WHEREAS, the Honorable Arthur C. Johnson, of Dalhart, a former member of the House of Representatives and a former employee of the Senate, was called to his final reward at his home today; and

WHEREAS, The official life of the deceased and particularly his legislative service was such as to inspire confidence and respect of all those interested in good government and sound legislative enactments; and

WHEREAS, His private life was such as to endear him to a host of friends and to entitle him to a designation as a fine, pure, upright citizen interested in civic righteousness and good citizenship; and

WHEREAS, In his passing the State has lost an able public servant and the membership of this Legislature a fine friend and the citizenship of this State a real nobleman; therefore be it

RESOLVED by the Senate of the State of Texas that we express our deepest sympathy to his wife and bereaved family and be it further

RESOLVED That a page in the Senate Journal be dedicated to his memory and a copy of this resolution be forwarded to his surviving wife and that when the Senate adjourns today that it do so in honor and in memory of our departed friend, Arthur C. Johnson.
SMALL.

Senator Small asked unanimous consent that the names of members of the Senate be added to the resolution.

BECK,
BLACKERT,
BURNS,
COLLIE,
COTTEN,
DAVIS,
DeBERRY,
DUGGAN,
FELLBAUM,
HILL,

HOLBROOK,
HOPKINS,
HORNSBY,
ISBELL,
MARTIN,
MOORE,
NEAL,
ONEAL,
PACE,
POAGE,

RAWLINGS,
REDDITT,
REGAN,
SANDERFORD,
SHIVERS,
STONE,
SULAK,
VAN ZANDT,
WESTERFELD,
WOODRUFF,

WALTER F. WOODUL, Lt. Gov.

Read and unanimously adopted by a rising vote.